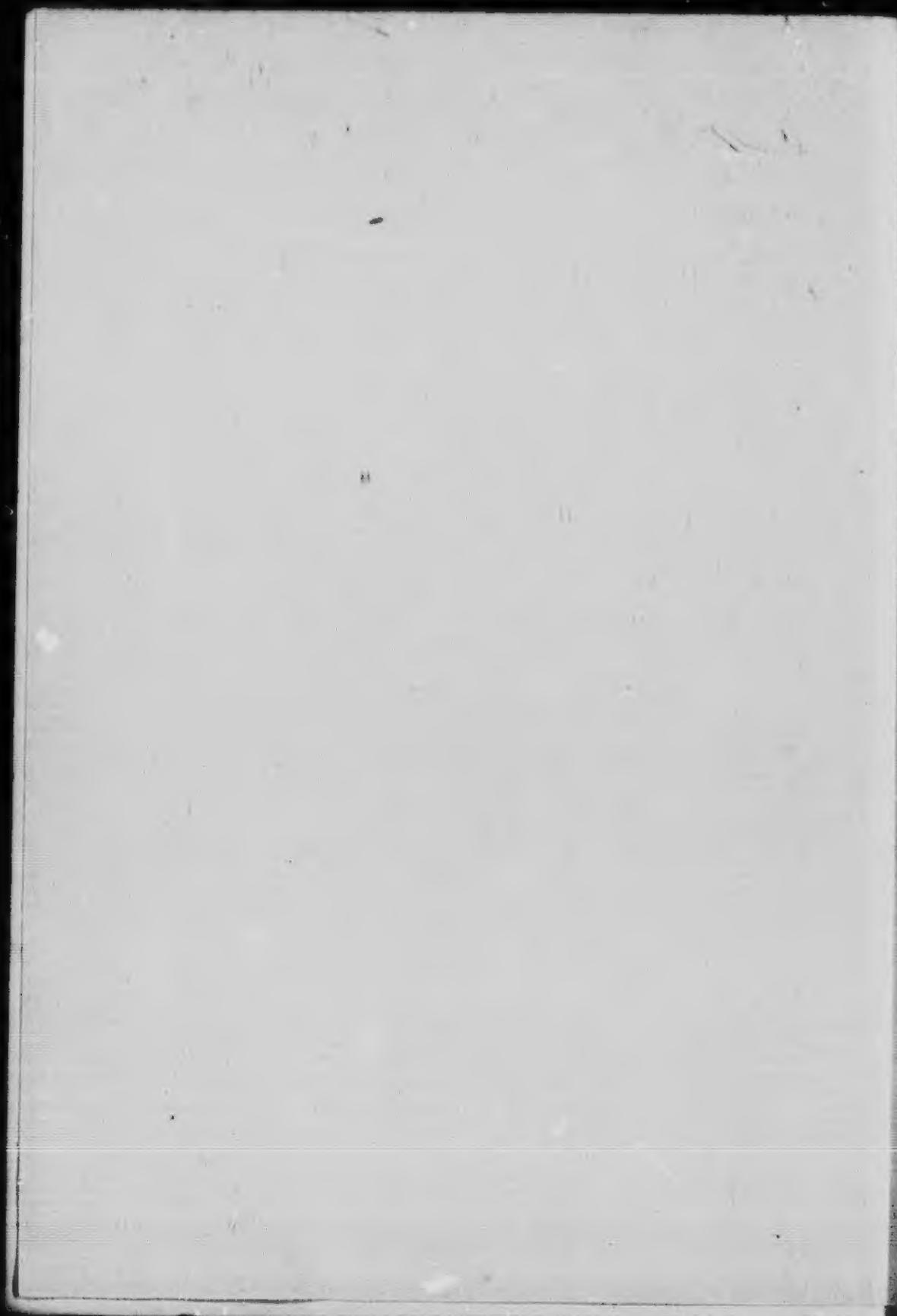


A. N. MACINTOSH

2000
1st Can 24

1

THE JUST AND THE UNJUST







"Oh, I want you, Elizabeth!"

THE JUST AND THE UNJUST

By

VAUGHAN KESTER

Author of
THE PRODIGAL JUDGE, ETC.

ILLUSTRATIONS BY
M. LEONE BRACKER

TORONTO
MCLEOD & ALLEN, PUBLISHERS



Aug. 10, Elizabeth."

THE JUST AND THE UNJUST

By

VAUGHAN KESTER

Author of
THE PRODIGAL JUDGE, ETC.

ILLUSTRATIONS BY
M. LEONE BRACKER

TORONTO
MCLEOD & ALLEN, PUBLISHERS

PS3521

E84

587

1912

to ♀ ♀

COPYRIGHT 1912
THE BOBBS-MERRILL COMPANY

TO MY WIFE

CONTENTS

CHAPTER	PAGE
I FIGHTING SHIMPLIN	1
II THE PRICE OF FOLLY	16
III STRANGE BEDFELLOWS	41
IV ADVENTURE IN EARNEST	56
V COLONEL GEORGE HARRISON	65
VI PUTTING ON THE SCREWS	79
VII THE BEAUTY OF ELIZABETH	90
VIII A GAMBLER AT HOME	100
IX THE STAR WITNESS	114
X HUSBAND AND WIFE	122
XI THE FINGER OF SUSPICION	139
XII JOE TELLS HIS STORY	150
XIII LIGHT IN DARKNESS	166
XIV THE GAMBLER'S THEORY	180
XV LOVE THAT ENDURES	201
XVI AT HIS OWN DOOR	210
XVII AN UNWILLING GUEST	228
XVIII FATHER AND SON	240
XIX SHIMPLIN TO THE RESCUE	253
XX THE CAT AND THE MOUSE	269
XXI THE HOUSE OF CARDS	279
XXII GOOD MEN AND TRUE	290
XXIII THE LAST APPEAL	303
XXIV THE LAST LONG DAY	319
XXV ON THE HIGH IRON BRIDGE	327
XXVI CUSTER'S IDOL FALLS	351
XXVII FAITH IS RESTORED	365
XXVIII THE LAST NIGHT IN JAIL	383
XXIX AT IDLE HOUR	386

THE JUST AND THE UNJUST

THE JUST AND THE UNJUST

CHAPTER ONE

FIGHTING SHRIMPLIN

CUSTER felt it his greatest privilege to sit of a Sunday morning in his mother's clean and burnished kitchen and, while she washed the breakfast dishes, listen to such reflections as his father might care to indulge in.

On these occasions the senior Shrimplin, commonly called Shrimp by his intimates, was the very picture of unconventional ease-taking as he lolled in his chair before the kitchen stove, a cracker box half filled with sawdust conveniently at hand.

As far back as his memory went Custer could recall vividly these Sunday mornings, with the church bells ringing peacefully beyond the windows of his modest home, and his father in easy undress, just emerged from his weekly bath and pleasantly redolent of strong yellow soap, his feet incased in blue yarn socks—white at toe and heel—and the neck-band of his fresh-starched shirt sawing away at the

2 THE JUST AND THE UNJUST

lobes of his freckled ears. On these occasions Mr. Shrimplin inclined to a certain sad conservatism as he discussed with his son those events of the week last passed which had left their impress on his mind. But what pleased Custer best was when his father, ceasing to be gently discursive and becoming vigorously personal, added yet another canto to the stirring epic of William Shrimplin.

Custer was wholly and delightfully sympathetic. There was, he felt, the very choicest inspiration in the narrative, always growing and expanding, of his father's earlier career, before Mrs. Shrimplin came into his life, and as Mr. Shrimplin delicately intimated, tied him hand and foot. The same grounds of mutual understanding and intellectual dependence which existed between Custer and his father were lacking where Mrs. Shrimplin was concerned. She was unromantic, with a painfully literal cast of mind, though Custer—without knowing what is meant by a sense of humor, suspected her of this rare gift, a dangerous and destructive thing in woman. Privately considering her relation to his father, he was forced to the conclusion that their union was a most distressing instance of the proneness of really great minds to leave their deep channels and seek the shallow waters in the every-day concerns of life. He felt vaguely that she was narrow and provincial; for had she not always lived on the flats, a region bounded by the Square on the north and by Stoke's furniture factory on the south?

FIGHTING SHRIMPLIN

3

On the west the flats extended as far as civilization itself extended in that direction, that is, to the gas house and the creek bank, while on the east they were roughly defined by Mitchell's tannery and the brick slaughter-house, beyond which vacant lots merged into cow pastures, the cow pastures yielding in their turn to the real country, where the level valley rolled up into hills which tilted the great green fields to the sun.

Mrs. Shrimplin had been born on the flats, and the flats had witnessed her meeting and mating with Shrimplin, when that gentleman had first appeared in Mount Hope in the interest of Whiting's celebrated tooth-powder, to the use of which he was not personally committed. At that time he was also an itinerant bill-poster and had his lodgings at Max Schaffer's Railroad Hotel hard by the B. & O. tracks.

Mr. Shrimplin was five feet three, and narrow chested. A drooping flaxen mustache shaded a sloping chin and a loose under lip, while a pair of pale eyes looked sadly out upon the world from the shadow of a hooked nose.

Mr. Joe Montgomery, Mrs. Shrimplin's brother-in-law, present on the occasion of her marriage to the little bill-poster, had critically surveyed the bridegroom and had been moved to say to a friend, "Shrimp certainly do favor a peanut!"

Mr. Montgomery's comparative criticism of her husband's appearance had in due season reached

4 THE JUST AND THE UNJUST

the ears of the bride, and had caused a rupture in the family that the years had not healed, but her resentment had been more a matter of justice to herself than that she felt the criticism to be wholly inapt.

Mr. Shrimplin had now become a public servant, for certain gasolene lamps in the town of Mount Hope were his proud and particular care. Any night he could be seen seated in his high two-wheeled cart drawn by a horse large in promise of speed but small in achievement, a hissing gasolene torch held between his knees, making his way through that part of the town where gas-lamps were as yet unknown. He still further added to his income by bill-posting and paper-hanging, for he belonged to the rank and file of life, with a place in the procession well toward the tail.

But Custer had no suspicion of this. He never saw his father as the world saw him. He would have described his eye as piercing; he would have said, in spite of the slouching uncertainty that characterized all his movements, that he was as quick as a cat; and it was only Custer who detected the note of authority in the meek tones of his father's voice.

And Custer was as like the senior Shrimplin as it was possible for fourteen to be like forty-eight. His mother said, "He certainly looks for all the world like his pa!" but her manner of saying it left doubt as to whether she rejoiced in the fact; for, while Mr. Shrimplin was undoubtedly a hero to Custer, he was

not and never had been and never could be a hero to Mrs. Shrimplin. She saw in him only what the world saw—a stoop-shouldered little man who spent six days of the seven in overalls that were either greasy or pasty.

It was a vagary of Mr. Shrimplin's that ten reckless years of his life had been spent in the West, the far West, the West of cow-towns and bad men; that for this decade he had flourished on bucking broncos and in gilded bars, the admired hero of a variety of deft homicides. Out of his inner consciousness he had evolved a sprightly epic of which he was the central figure, a figure, according to Custer's firm belief, sinister, fateful with big jingling silver spurs at his heels and iron on his hips, whose specialty was manslaughter.

In the creation of his romance he might almost be said to have acquired a literary habit of mind, to which he was measurably helped by the fiction he read.

Custer devoured the same books; but he never suspected his father of the crime of plagiarism, nor guessed that his choicest morsels of adventure involved a felony. Mrs. Shrimplin felt it necessary to protest:

"No telling with what nonsense you are filling that boy's head!"

"I hope," said Mr. Shrimplin, narrowing his eyes to a slit, as if he expected to see pictured on the back of their lids the panorama of Custer's future, "I

6 THE JUST AND THE UNJUST

hope I am filling his head with just no-sense enough so he will never crawfish, no matter what kind of a proposition he goes up against!"

Custer colored almost guiltily. Could he ever hope to attain to the grim standard his father had set for him?

"I wasn't much older than him when I shot Murphy at Fort Worth," continued Mr. Shrimplin, "You've heard me tell about him, son—old one-eye Murphy of Texacana?"

"He died, I suppose!" said Mrs. Shrimplin, wringing out her dish-rag. "Dear knows! I wonder you ain't been hung long ago!"

"Did he die!" rejoined Mr. Shrimplin ironically. "Well, they usually die when I begin to throw lead!" He tugged fiercely at the ends of his drooping flaxen mustache and gazed into the wide and candid eyes of his son.

"Like I should give you the particulars, Custer?" he inquired.

Custer nodded eagerly, and Mr. Shrimplin cleared his throat.

"He was called one-eye Murphy because he had only one eye—he'd lost the other in a rough-and-tumble fight; it had been gouged out by a feller's thumb. Murphy got the feller's ear, chewed it off as they was rolling over and over on the floor, so you might say they swapped even."

"I wonder you'd pick on an afflicted person like that," observed Mrs. Shrimplin.

"Afflicted! Well, he could see more and see further with that one eye than most men could with four!"

"I should think four eyes would be confusin'," said Mrs. Shrimplin.

Mr. Shrimplin folded his arms across his narrow chest and permitted his glance to follow Mrs. Shrimplin's ample figure as she moved to and fro about the room; and when he spoke again a gentle melancholy had crept into his tone.

"I dunno but a man makes a heap of sacrifices he never gets no credit for when he marries and settles down. The ladies ain't what they used to be. They look on a man now pretty much as a meal-ticket. I guess if a feller chewed off another feller's ear in Mount Hope he'd never hear the last of it!"

As neither Mrs. Shrimplin nor Custer questioned this point, Mr. Shrimplin reverted to his narrative.

"I started in to tell you how I put Murphy out of business, didn't I, son? The facts brought out by the coroner's jury," embarking on what he conceived to be a bit of happy and elaborate realism, "was that I'd shot him in self-defense after he'd drawed a gun on me. He had heard I was at Fort Worth—not that I was looking for trouble, which I never done; but I never turned it down when any one was at pains to fetch it to me; I was always willing they should leave it with me for to have a merry time. Murphy heard I'd said if he'd come to Fort Worth I'd take him home and make a

8 THE JUST AND THE UNJUST

pet of him; and he'd sent back word that he was looking for a man with two ears to play with; and I'd said mine was on loose and for him to come and pull 'em off. After that there was just one thing he could do if he wanted to be well thought of, and he done it. He hit the town hell-snorting, and so mad he was fit to be tied." Mr. Shrimplin paused to permit this striking phrase to lay hold of Custer's imagination. "Yes, sir, hell-snorting, and so bad he was plum scairt of himself. He said he was looking for a gentleman who had sent him word he had two ears to contribute to the evening's gaiety, by which I knowed he meant me and was in earnest. He was full of boot-leg whisky—"

"What kind of whisky's that, pa?" asked Custer.

"That," said Mr. Shrimplin, looking into the round innocent face of his son, "that's the stuff the traders used to sell the Indians. Strong? Well, you might say it was middling strong—just middling—about three drops of it would make a rabbit spit in a bulldog's face!"

It was on one memorable twenty-seventh of November that Mr. Shrimplin reached this height of verbal felicity, and being Thanksgiving day, it was, aside from the smell of strong yellow soap and the fresh-starched white shirt, very like a Sunday.

He and Custer sat before the kitchen stove and in the intervals of his narrative listened to the wind rise without, and watched the sparse flakes of fine snow that it brought coldly out of the north, where



D. LIONE
BRACKER

"I started to tell you how I put Murphy out of business."



the cloud banks lay leaden and chill on the far horizon.

Mr. Shrimplin had risen early that day, or, as he told Custer, he had "got up soon", and long before his son had left his warm bed in the small room over the kitchen, was well on his rounds in his high two-wheeled cart, with the rack under the seat which held the great cans of gasolene from which the lamps were filled. He had only paused at Maxy Schaffer's Railroad Hotel to partake of what he called a Kentucky breakfast—a drink of whisky and a chew of tobacco—a simple dietary protection against the evils of an empty stomach, to which he particularly drew Custer's attention.

His father's occupation was entirely satisfactory to Custer. Being employed by the town gave him an official standing, perhaps not so distinguished as that of a policeman, but still eminently worth while; and Mr. Shrimplin added not a little to the sense of its importance by dilating on the intrigues of ambitious rivals who desired to wrest his contract from him; and he impressed Custer, who frequently accompanied him on his rounds, with the wisdom of keeping the lamps that shown upon the homes of members of the town council in especially good order. Furthermore, there were possibilities of adventure in the occupation; it took Mr. Shrimplin into out-of-the-way streets and unfrequented alleys, and, as Custer knew, he always went armed. Sometimes, when in an unusually gracious mood, his

10 THE JUST AND THE UNJUST

sather permitted him to verify this fact by feeling his bulging hip pocket. The feel of it was vastly pleasing to Custer, particularly when Mr. Shrimplin had to tell of strangers engaged in mysterious conversation on dark street corners, who slunk away as he approached. More than this, it was a matter of public knowledge that he had had numerous controversies in low portions of the town touching the right of the private citizen to throw stones at the street lamps; to Custer he made dire threats. He'd "toss a scare into them red necks yet! They'd bust his lamps once too often—he was laying for them! He knowed pretty well who done it, and when he found out for sure—" He winked at Custer, leaving it to his son's imagination to determine just what form his vengeance would take, and Custer, being nothing if not sanguinary, prayed for bloodshed.

But the thing that pleased the boy best was his father's account of those meetings with mysterious strangers. How as he approached they moved off with many a furtive backward glance; how he made as if to drive away in the opposite direction, and then at the first corner turned swiftly about and raced down some parallel street in hot pursuit, to come on them again, to their great and manifest discomfiture. Circumstantially he described each turn he made, down what streets he drove Bill at a gallop, up which he walked that trustworthy animal; all was elaborately worked out. The chase, however, always ended one way—the strangers dis-

appeared unaccountably, and, search as he might, he could not find them again, but he and Custer felt certain that his activity had probably averted some criminal act.

In short, to Mr. Shrimplin and his son the small events of life magnified themselves, becoming distorted and portentous. A man, emerging suddenly from an alley in the dusk of the early evening, furnished them with a theme for infinite speculation and varied conjecture; that nine times out of ten the man said, "Hello, Shrimp!" and passed on his way perfectly well known to the little lamplighter was a matter of not the slightest importance. Sometimes, it is true, Mr. Shrimplin told of the salutation, but the man was always a stranger to him, and that he should have spoken, calling him by name, he and Custer agreed only added to the sinister mystery of the encounter.

It was midday on that twenty-seventh of November when Mr. Shrimplin killed Murphy of the solitary eye, and he reached the climax of the story just as Mrs. Shrimplin began to prepare the dressing for the small turkey that was to be the principal feature of their four-o'clock dinner. The morning's scanty fall of snow had been so added to as time passed that now it completely whitened the strip of brown turf in the little side yard beyond the kitchen windows.

"I think," said Mr. Shrimplin, "we are going to see some weather. Well, snow ain't a bad thing."

12 THE JUST AND THE UNJUST.

His dreamy eyes rested on Custer for an instant; they seemed to invite a question.

"No?" said Custer interrogatively.

"If I was going to murder a man, I don't reckon I'd care to do it when there was snow on the ground."

Mrs. Shrimplin here suggested cynically that perhaps he dreaded cold feet, but her husband ignored this. To what he felt to be the commonplaceness of her outlook he had long since accustomed himself. He merely said:

"I suppose more criminals has been caught because they done their crimes when it was snowing than any other way. Only chance a feller would have to get off without leaving tracks would be in a balloon; I don't know as I ever heard of a murderer escaping in a balloon, but I reckon it could be done."

He disliked to relinquish such an original idea, and the subject of murderers and balloons, with such ramifications as suggested themselves to his mind, occupied him until dinner-time. He quitted the table to prepare for his night's work, and at five o'clock backed wild Bill into the shafts of his high cart, lighted the hissing gasolene torch, and mounted to his seat.

"I expect he'll want his head to-night; he's got a game look," he said to Custer, nodding toward Bill. Then, as he tucked a horse blanket snugly about his legs, he added: "It's a caution the way he gets over

the ground. I never seen a horse that gets over the ground like Bill does."

Which was probably true enough, for Bill employed every known gait.

"He's a mighty well-broke horse!" agreed Custer in a tone of sincere conviction.

"He is. He's got more gaits than you can shake a stick at!" said Mr. Shrimplin.

Privately he labored under the delusion that Bill was dangerous; even years of singular rectitude on Bill's part had failed to alter his original opinion on this one point, and he often told Custer that he would have felt lost with a horse just anybody could have driven, for while Bill might not and probably would not have suited most people, he suited him all right.

"Well, good-by, son," said Mr. Shrimplin, slapping Bill with the lines.

Bill went out of the alley back of Mr. Shrimplin's small barn, his head held high, and taking tremendous strides that somehow failed in their purpose if speed was the result desired.

Twilight deepened; the snow fell softly, silently, until it became a ghostly mist that hid the town—hid the very houses on opposite sides of the street, and through this flurry Bill shuffled with unerring instinct, dragging Mr. Shrimplin from lamp-post to lamp-post, until presently down the street a long row of lights blazed red in the swirling smother of white.

14 THE JUST AND THE UNJUST

Custer reentered the house. The day held the sentiment of Sunday and this he found depressing. He had also dined ambitiously, and this he found even more depressing. He wondered vaguely, but with no large measure of hope, if there would be sledding in the morning. Probably it would turn warm during the night; he knew how those things went. From his seat by the stove he watched the hurrying flakes beyond the windows, and as he watched, the darkness came down imperceptibly until he ceased to see beyond the four walls of the room.

Mrs. Shrimplin was busy with her mending. She did not attempt conversation with her son, though she occasionally cast a curious glance in his direction; he was not usually so silent. All at once the boy started.

"What's that?" he cried.

"La, Custer, how you startle a body! It's the town bell. I should think you'd know; you've heard it often enough." As she spoke she glanced at the clock on the shelf in the corner of the room. "I guess that clock's stopped again," she added, but in the silence that followed her words they both heard it tick.

The bell rang on.

"It ain't half past seven yet. Maybe it's a fire!" said Custer. He quitted his chair and moved to the window. "I wish they'd give the ward. They'd ought to. How's a body to know—"

"Set down, Custer!" commanded his mother

sharply. "You ain't going out! You know your pa don't allow you to go to no fires after night."

"You don't call this night!" He was edging toward the door.

"Yes, I do!"

"A quarter after seven ain't night!" he expostulated.

"No arguments, Custer! You sit down! I won't have you trapesing about the streets."

Custer turned back from the door and resumed his seat.

"Why don't they give the ward? I never heard such a fool way of ringing for a fire!" he said.

They were silent, intent and listening. Now the wind was driving the sound clamorously across the town.

"They ain't give the ward yet!" said Custer at length, in a tone of great disgust. "I could ring for a fire better than that!"

"I wish your pa was to home!" said Mrs. Shrimplin.

As she spoke they caught the muffled sound of hurrying feet, then the clamor of voices, eager and excited; but presently these died away in the distance, and again they heard only the bell, which rang on and on and on.

CHAPTER TWO

THE PRICE OF FOLLY

JOHN NORTH occupied the front rooms on the first floor of the three-story brick structure that stood at the corner of Main Street and the Square. The only other tenant on the floor with him was Andy Gilmore, who had apartments at the back of the building. Until quite recently Mr. North and Mr. Gilmore had been friends and boon companions, but of late North had rather avoided this neighbor of his.

Mount Hope said that North had parted with the major portion of his small fortune to Gilmore. Mount Hope also said and believed, and with most excellent justification for so doing, that North was a fool—a truth he had told himself so many times within the last month that it had become the utter weariness of iteration.

He was a muscular young fellow of twenty-six, with a handsome face, and, when he chose, a kindly charming manner. He had been—and he was fully aware of this—as idle and as worthless as any young fellow could possibly be; he was even aware that the worst Mount Hope said of him was much better

than he deserved. In those hours that were such a new experience to him, when he denied himself other companionship than his own accusing conscience; when the contemplation of the naked shape of his folly absorbed him to the exclusion of all else, he would sit before his fire with the poker clutched in his hands and his elbows resting on his knees, poking between the bars of the grate, poking moodily, while under his breath he cursed the weakness that had made him what he was.

With his hair in disorder on his handsome shapely head, he would sit thus hours together, not wholly insensible to a certain grim sense of humor, since in all his schemes of life he had made no provision for the very thing that had happened. He wondered mightily what a fellow could do with his last thousand dollars, especially when a fellow chanced to be in love and meditated nothing less than marriage; for North's day-dream, coming like the sun through a rift in the clouds to light up the somberness of his solitary musings, was all of love and Elizabeth Herbert. He wondered what she had heard of him—little that was good, he told himself, and probably much that was to his discredit. Yet as he sat there he was slowly shaping plans for the future. One point was clear: he must leave Mount Hope, where he had run his course, where he was involved and committed in ways he could not bear to think of. To go meant that he would be forsaking much that was evil; a situation from which he

18 THE JUST AND THE UNJUST

could not extricate himself otherwise. It also meant that he would be leaving Elizabeth Herbert; but perhaps she had not even guessed his secret, for he had not spoken of love; or perhaps having divined it, she cared nothing for him. Even so, his regeneration seemed in itself a thing worth while. What he was to do, how make a place for himself, he had scarcely considered; but his inheritance was wasted, and of the comfortable thousands that had come to him, next to nothing remained.

In the intervals between his musings Mr. North got together such of his personal belongings as he deemed worth the removal; he was surprised to find how few were the things he really valued. On the grounds of a chastened taste in such matters he threw aside most of his clothes; he told himself that he did not care to be judged by such mere externals as the shade of a tie or the color of a pair of hose. Under his hands—for the spirit of reform was strong upon him—his rooms took on a sober appearance. He amused himself by making sundry penitential offerings to the flames; numerous evidences of his unrighteous bachelorhood disappearing from walls and book-shelves. Coincident with this he owned to a feeling of intense satisfaction. What remained he would have his friend Marshall Langham sell after he was gone, his finances having suddenly become of paramount importance.

But the days passed, and though he was not able

to bring himself to leave Mount Hope, his purpose in its final aspect underwent no change. He lived to himself, and his old haunts and his old friends saw nothing of him. Evelyn Langham, whom he had known before she married his friend Marshall, was fortunately absent from town. Her letters to him remained unanswered; the last one he had burned unread. He was sick of the devious crooked paths he had trodden; he might not be just the stuff of which saints are made, but there was the hope in his heart of better things than he had yet known.

At about the time Mr. Shrimplin was attacking his Thanksgiving turkey, North, from his window, watched the leaden clouds that overhung the house-tops. From the frozen dirt of the unpaved streets the keen wind whipped up scanty dust clouds, mingling them with sudden flurries of fine snow. Save for the passing of an occasional pedestrian who breasted the gale with lowered head, the Square was deserted. Staring down on it, North drummed idly on the window-pane. What an unspeakable fool he had been, and what a price his folly was costing him! As he stood there, heavy-hearted and bitter in spirit, he saw Marshall Langham crossing the Square in the direction of his office. He watched his friend's wind-driven progress for a moment, then slipped into his overcoat and, snatching up his hat, hurried from the room.

Langham, with Moxlow, his law partner, occupied two handsomely furnished rooms on the first

20 THE JUST AND THE UNJUST

floor of the one building in Mount Hope that was distinctly an office building, since its sky-scraping five stories were reached by an elevator. Here North found Langham—a man only three or four years older than himself, tall, broad-shouldered, with an oratorical air of distinction and a manner that proclaimed him the leading young lawyer at the local bar.

He greeted North cordially, and the latter observed that his friend's face was unusually flushed, and that beads of perspiration glistened on his forehead, which he frequently wiped with a large linen handkerchief.

"What have you been doing with yourself, Jack?" he demanded, sliding his chair back from the desk at which he was seated. "I haven't had a glimpse of you in days."

"I have been keeping rather quiet."

"What's the matter? Liver out of whack?" Langham smiled complacently.

"Worse than that!" North rejoined moodily.

"That's saying a good deal? What is it, Jack?"

But North was not inclined to lay bare his heart; he doubted if Langham could be made to comprehend any part of his suffering.

"I am getting down to my last dollar, Marsh. I don't know where the money went, but it's gone," he finally said.

Langham nodded.

"You have certainly had your little time, Jack,

and it's been a perfectly good little time, too! What are you going to do when you are cleaned out?"

"That's part of the puzzle, Marsh, that's the very hell and all of it."

"Well, you have had your fun—lots of it!" said Langham, swabbing his face.

North noticed the embroidered initial in the corner of the handkerchief.

"Fun! Was it fun?" he demanded with sudden heat.

"You took it for fun. Personally I think it was a pretty fair imitation."

"Yes, I took it for fun, or mistook it; that's the pity of it! I can forgive myself for almost everything but having been a fool!"

"That's always a hard dose to swallow," agreed Langham. He was willing to enter into his friend's mood.

"Have you ever tried to swallow it?" asked North.

"I can't say I have. Some of us haven't any business with a conscience—our blood's too red. I've made up my mind that, while I may be a man of moral impulses I am also a creature of purest accident. It's the same with you, Jack. You are a pretty decent fellow down under the skin; there's still the divine spark in you, though perhaps it doesn't burn bright enough to warm the premises. But it's there, like a shaft of light from a gem, a gem in the rough—though I believe I'm mixing my metaphors."

"Why don't you say a pearl in the mire?"

22 THE JUST AND THE UNJUST

"But that doesn't really take from your pearlship, though it may dim your luster. No, Jack, the accidents have been to your morals instead of your arms and legs. That's how I explain it in my own case, and it's saved me many a bad quarter of an hour with myself. I know I'd be on crutches if the vicissitudes of which I have been the victim could be given physical expression."

"Marsh," said North soberly, "I am going away."

"You are going to do what, Jack?" demanded the lawyer.

"I am going to leave Mount Hope. I am going West for a bit, and after I am gone I want you to sell the stuff in my rooms for me; have an auction and get rid of every stick of the fool truck!"

"Why, what's wrong? Going away—when?"

"At once, to-morrow—to-night maybe. I don't know quite when, but very soon. I want you to get rid of all my stuff, do you understand? Before long I'll write you my address and you can send me whatever it brings. I expect I'll need the money—"

"Why, you're crazy, man!" cried Langham.

North moved impatiently. He had not come to discuss the merit of his plans.

"On the contrary I am having my first gleam of reason," he said briefly.

"Of course you know best, Jack," acquiesced Langham after a moment's silence.

"You'll do what I ask of you, Marsh?"

"Oh, hang it, yes." He hesitated for an in-

THE PRICE OF FOLLY

23

stant and then said frankly. "You know I'm rather in your debt; I don't suppose five hundred dollars would square what I have had from you first and last."

"I hope you won't mention it! Whenever it is quite convenient, that will be soon enough."

"Thank you, Jack!" said Langham gratefully. "The fact is the pickings here are pretty small."

Again the lawyer mopped his brow and again North moved impatiently.

"Don't say another word about it, Marsh," he repeated. "McBride has agreed to take the last of my gas bonds off my hands; that will get me away from here."

"How many have you left?" asked Langham curiously.

"Ten," said North.

Langham whistled.

"Do you mean to tell me you are down to that? Why, you told me once you held a hundred!"

"So I did once, but it costs money to be the kind of fool I've been!" said North.

"Well, I suppose you are doing the sensible thing in getting out of this. Have you any notion where you are going or what you'll do?"

North shook his head.

"Oh, you'll get into something!" the lawyer encouraged. "When shall you see McBride?"

"This afternoon. Why?"

"I was going to say that I was just there with At-

24 THE JUST AND THE UNJUST

kinson. He and McBride have been in a timber speculation, and Atkinson handed over three thousand dollars in cash to the old man. I suppose he has banked it in some heap of scrap-iron on the premises!" said Langham laughing.

"I think I shall go there now," resolved North. While he was speaking he had moved to the door leading into the hall, and had opened it.

"Hold on, John!" said Langham, detaining him. "Evelyn is home. She came quite unexpectedly to-day; you won't leave town without getting up to the house to see her?"

"I think I shall," replied North hastily. "I much prefer not to say good-by."

"Oh, nonsense!" cried Langham.

"No, Marsh, I don't intend to say good-by to any one!" North quietly turned back into the room.

"I had intended having you up to the house to-night for a blow-out," urged Langham, but North shook his head. "You and Gilmore, Jack; and by the way, this puts me in a nice hole! I have already asked Gilmore, and he's coming. Now, how the devil am I to get out of it? I can't spring him alone on the family circle, and I don't want to hurt his feelings!"

"Call it off, Marsh; say I couldn't come; that's a good enough excuse to give Gilmore. Why, that fellow's a common card-sharp, you can't ask Evelyn to meet him!"

A slight noise in the hall caused both men to

glance toward the door, where they saw just beyond the threshold the varthy-faced Gilmore.

There was a brief embarrassed silence, and then North nodded to the new-comer, but the salutation was not returned.

"Well, good-by, Marsh!" he said, and turned to the door. As he brushed past the gambler their eyes met for an instant, and in that instant Gilmore's face turned livid with rage.

"I'll fix you for that, so help me God, I will!" he said, but North made no answer. He passed down the hall, down the stairs, and out into the street.

McBride's was directly opposite on the corner of High Street and the Square; a mean two-story structure of frame, across the shabby front of which hung a shabby creaking sign bearing witness that within might be found: "Archibald McBride, Hardware and Cutlery, Implements and Bar Iron." McBride had kept store on that corner time out of mind.

He was an austere unapproachable old man, having no relatives of whom any one knew; with few friends and fewer intimates; a rich man, according to the Mount Hope standard, and a miser according to the Mount Hope gossip, with the miser's traditional suspicion of banks. It was rumored that he had hidden away vast sums of money in his dingy store, or in the closely-shuttered rooms above, where the odds and ends of the merchandise in which he dealt had accumulated in rusty and neglected heaps.

The old man wore an air of mystery, and this air

26 THE JUST AND THE UNJUST

of mystery extended to his place of business. It was dark and dirty and ill-kept. On the brightest summer day the sunlight stole vaguely in through grimy cobwebbed windows. The dust of years had settled deep on unused shelves and in abandoned corners, and whole days were said to pass when no one but the ancient merchant himself entered the building. Yet in spite of the trade that had gone elsewhere he had grown steadily richer year by year.

When North entered the store he found McBride busy with his books in his small back office, a lean black cat asleep on the desk at his elbow.

"Good afternoon, John!" said the old merchant as he turned from his high desk, removing as he did so a pair of heavy steel-rimmed spectacles that dominated a high-bridged nose which in turn dominated a wrinkled and angular face.

"I thought I should find you here!" said North. "You'll always find me here of a week-day," and he gave the young fellow the fleeting suggestion of a smile. He had a liking for North, whose father, years before, had been one of the few friends he had made in Mount Hope.

The Norths had been among the town's earliest settlers, John's grandfather having taken his place among the pioneers when Mount Hope had little but its name to warrant its place on the map. At his death Stephen, his only son, assumed the family headship, married, toiled, thrived and finished his course following his wife to the old burying-ground

after a few lonely heart-breaking months, and leaving John without kin, near or far, but with a good name and fair riches.

"I have brought you those gas bonds, Mr. McBride," said North, going at once to the purpose of his visit.

The old merchant nodded understandingly.

"I hope you can arrange to let me have the money for them to-day," continued North.

"I think I can manage it, John. Atkinson and Judge Langham's boy, Marsh, were just here and left a bit of cash. Maybe I can make up the sum." While he was speaking, he had gone to the safe which stood open in one corner of the small office.

In a moment he returned to the desk with a roll of bills in his hands which he counted lovingly, placing them, one by one, in a neat pile before him.

"You're still in the humor to go away?" he asked, when he had finished counting the money.

"Never more so!" said North briefly.

"What do you think of young Langham, John? Will he ever be as sharp a lawyer as the judge?"

"He's counted very brilliant," evaded North.

He rather dreaded the old merchant when his love of gossip got the better of his usual reserve.

"I hadn't seen the fellow in months to speak to until to-day. He's a clever talker and has a taking way with him, but if the half I hear is true, he's going the devil's own gait. He's a pretty good friend to Andy Gilmore, ain't he—that horse-racing, card-

28 THE JUST AND THE UNJUST

playing neighbor of yours?" He pushed the bills toward North. "Run them over, John, and see if I have made any mistake." He slipped off his glasses again and fell to polishing them with his handkerchief. "It's all right, John?" he asked at length.

"Yes, quite right, thank you." And North produced the bonds from an inner pocket of his coat and handed them to McBride.

"So you are going to get out of this place, John? You're going West, you say. What will you do there?" asked the old merchant as he carefully examined the bonds.

"I don't know yet."

"I'm trusting you're through with your folly, John; that your crop of wild oats is in the ground. You've made a grand sowing!"

"I have," answered North, laughing in spite of himself.

"You'll be empty-handed I'm thinking, but for the money you take from here."

"Very nearly so."

"How much have you gone through with, John, do you mind rightly?"

"Fifteen or twenty thousand dollars."

"A nice bit of money!" He shook his head and chuckled dryly. "It's enough to make your father turn in his grave. He's said to me many a time when he was a bit close in his dealings with me, 'I'm saving for my boy, Archie.' Eh? But it ain't always three generations from shirt-sleeves to shirt-sleeves;

you've made a short cut of it! But you're going to do the wise thing, John; you've been a fool here, now go away and be a man! Let all devilishness alone and work hard; that's the antidote for idleness, and it's overmuch of idleness that's been your ruin."

"I imagine it is," said North cheerfully.

"You'll be making a clever man out of yourself, John," McBride continued graciously. "Not a flash in the pan like your friend Marshall Langham yonder. It's drink will do for him the same as it did for his grandfather, it's in the blood; but that was before your time."

"I've heard of him; a remarkably able lawyer, wasn't he?"

"Pooh! You'll hear a plenty of nonsense talked, and by very sensible people, too, about most drunken fools! He was a spender and a profligate, was old Marshall Langham; a tavern loafer, but a man of parts. Yes, he had a bit of a brain, when he was sober and of a mind to use it."

One would scarcely have supposed that Archibald McBride, silent, taciturn, money-loving, possessed the taste for scandal that North knew he did possess. The old merchant continued garrulously.

"They are a bad lot, John, those Langhams, but it took the smartest one of the whole tribe to get the better of me. I never told you that before, did I? It was old Marshall himself, and he flattered me into loaning him a matter of a hundred dollars once; I guess I have his note somewhere yet. But I swore

30 THE JUST AND THE UNJUST

then I'd have no more dealings with any of them, and I'm likely to keep my word as long as I keep my senses. It's the little things that prick the skin; that make a man bitter. I suppose the judge's boy has had his hand in your pocket? He looks like a man who'd be free enough with another's purse."

But North shook his head.

"No, no, I have only myself to blame," he said.

"What do you hear of his wife? How's the marriage turning out?" and he shot the young fellow a shrewd questioning glance.

"I know nothing about it," replied North, coloring slightly.

"She'll hardly be publishing to the world that she's married a drunken profligate—"

This did not seem to North to call for an answer, and he attempted none. He turned and moved toward the front of the store followed by the old merchant. At the door he paused.

"Thank you for your kindness, Mr. McBride!"

"It was no kindness, just a matter of business," said McBride hastily. "I'm no philanthropist, John, but just a plain man of business who'll drive a close bargain if he can."

"At any rate, I'm going to thank you," insisted North, smiling pleasantly. "Good-by," and he extended his hand, which the old merchant took.

"Good-by, and good luck to you, John, and you might drop me a line now and then just to say how you get on."

"I will. Good-by!"

"I know you'll succeed, John. A bit of application, a bit of necessity to spur you on, and we'll be proud of you yet!"

North laughed as he opened the door and stepped out; and Archibald McBride, looking through his dingy show-windows, watched him until he disappeared down the street; then he turned and reentered his office.

Meanwhile North hurried away with the remnant of his little fortune in his pocket. Five minutes' walk brought him to the building that had sheltered him for the last few years. He climbed the stairs and entered the long hall above. He paused, key in hand, before his door, when he heard behind him a light footfall on the uncarpeted floor and the swish of a woman's skirts. As he turned abruptly, the woman who had evidently followed him up from the street, came swiftly down the hall toward him.

"Jack!" she said, when she was quite near.

The short winter's day had brought an early twilight to the place, and the woman was closely veiled, but the moment she spoke North recognized her, for there was something in the mellow full-throated quality of her speech which belonged only to one voice that he knew.

"Mrs. Langham!—Evelyn!" he exclaimed, starting back in dismay.

"Hush, Jack, you needn't call it from the house-tops!" As she spoke she swept aside her veil and he

32 THE JUST AND THE UNJUST

saw her face, a superlatively pretty face with scarlet smiling lips and dark luminous eyes that were smiling, too.

"Do you want to see me, Evelyn?" he asked awkwardly.

But she was neither awkward nor embarrassed; she was still smiling up into his face with reckless eyes and brilliant lips. She pointed to the door with her small gloved hand.

"Open it, Jack!" she commanded.

For a moment he hesitated. She was the one person he did not wish to see, least of all did he wish to see her there. She was not nicely discreet, as he well knew. She did many things that were not wise, that were, indeed, frankly imprudent. But clearly they could not stand there in the hallway. Gilmore or some of Gilmore's friends might come up the stairs at any moment. Langham himself might be of these.

Something of all this passed through North's mind as he stood there hesitating. Then he unlocked the door, and standing aside, motioned her to precede him into the room.

This room, the largest of several he occupied, was his parlor. On entering it he closed the door after him, and drew forward a chair for Evelyn, but he did not himself sit down, nor did he remove his overcoat.

He had known Evelyn all his life, they had played together as children; more than this, though now

he would have been quite willing to forget the whole episode and even more than willing that she should forget it, there had been a time when he had moped in wretched melancholy because of what he had then considered her utter fickleness. Shortly after this he had been sent East to college and had borne the separation with a fortitude that had rather surprised him when he recalled how bitter a thing her heartlessness had seemed.

When they met again he had found her more alluring than ever, but more devoted to her pleasures also; and then Marshall Langham had come into her life. North had divined that the course of their love-making was far from smooth, for Langham's temper was high and his will arbitrary, nor was he one to bear meekly the crosses she laid on him, crosses which other men had borne in smiling uncomplaint, reasoning no doubt, that it was unwise to take her favors too seriously; that as they were easily achieved they were quite as easily forfeited. But Langham was not like the other men with whom she had amused herself. He was not only older and more brilliant, but was giving every indication that his professional success would be solid and substantial. Evelyn's father had championed his cause, and in the end she had married him.

In the five years that had elapsed since then, her romance had taken its place with the accepted things of life, and she revenged herself on Langham, for what she had come to consider his unreasonable ex-

34 THE JUST AND THE UNJUST

actions, by her recklessness, by her thirst for pleasure, and above all by her extravagance.

Through all the vicissitudes of her married life, the smallest part of which he only guessed, North had seen much of Evelyn. There was a daring dangerous recklessness in her mood that he had sensed and understood and to which he had made quick response. He knew that she was none too happy with Langham, and although he had been conscious of no wish to wrong the husband he had never paused to consider the outcome of his intimacy with the wife.

Evelyn was the first to break the silence.

"You wonder why I came here, don't you, Jack?" she said.

"You should never have done it!" he replied quickly.

"What about my letters, why didn't you answer them?" she demanded. "I hadn't one word from you in weeks. It quite spoiled my trip East. What was I to think? And then you sent me just a line saying you were leaving Mount Hope—" she drew in her breath sharply. There was a brief silence. "Why?" she asked at length.

"It is better that I should," he answered awkwardly.

He felt a sudden remorseful tenderness for her; he wished that she might have divined the change that had come over him; even how worthless a thing his devotion had been, the utter selfishness of it.

"Why is it better?" she asked. He was near

enough for her to put out a small hand and rest it on his arm. "Jack, have I done anything to make you hate me? Don't you care any longer for me?"

"I care a great deal, Evelyn. I want you to think the best of me."

"But why do you go? And when do you think of going, Jack?" The hand that she had rested there a moment before, left his arm and dropped at her side.

"I don't know yet, my plans are very uncertain. I am quite at the end of my money. I have been a good deal of a fool, Evelyn."

Something in his manner restrained her, she was not so sure as she had been of her hold on him. She looked up appealingly into his face, the smile had left her lips and her eyes were sad, but he mistrusted the genuineness of this swift change of mood, certainly its permanence.

"What will there be left for me, Jack, when you go? I thought—I thought—" her full lips quivered.

She was realizing that this separation which her imagination had already invested with a tragic significance, meant much less to him than she believed it would mean to her; more than this, the cruel suspicion was certifying itself that in her absence from Mount Hope, North had undergone some strange transformation; was no longer the reckless, dissipated, young fellow who for months had been as her very shadow.

"I am going to-night, Evelyn," he said with sudden determination.

36 THE JUST AND THE UNJUST

She gave a half smothered cry.

"To-night! To-night!" she repeated.

He changed his position uncomfortably.

"I am at the end of my string, Evelyn," he said slowly.

"I—I shall miss you dreadfully, Jack! You know I am frightfully unhappy; what will it be when you go? Marsh has made a perfect wreck of my life!"

"Nonsense, Evelyn!" he replied briskly. "You must be careful what you say to me!"

"I haven't been careful before!" she asserted.

He bit his lips. She went swiftly on.

"I have told you everything! I don't care what happens to me—you know I don't, Jack! I am deadly desperately tired!" She paused, then she cried vehemently. "One endures a situation as long as one can, but there comes a time when it is impossible to go on with the falsehood any longer, and I have reached that time! It is my life, my happiness that are at stake!"

"Sometimes it is better to do without happiness," he philosophized.

"That is silly, Jack, no one believes that sort of thing any more; but it is good to teach to women and children, it saves a lot of bother, I suppose. But men take their happiness regardless of the rights of others!"

"Not always," he said.

"Yes, always!" she insisted.

"But you knew what Marsh was before you married him."

"It's a woman's vanity to believe she can reform, can control a man." She glanced at him furtively. What had happened to change him? Always until now he had responded to the recklessness of her mood, he had seemed to understand her without the need of words. Her brows met in an angry frown. Was he a coward? Did he fear Marshall Langham? Once more she rested her hand on his arm. "Jack, dear Jack, are *you* going to fail me, too?"

"What would you have me say or do, Evelyn?" he demanded impatiently.

She regarded him sadly.

"What has made you change, Jack? What is it; what have I done? Why did you not answer my letters? Why did you not come to see me?"

"I only learned that you were in town this afternoon," he said.

"Yes, but you had no intention of coming, I know you hadn't! You would have left Mount Hope without even a good-by to me!"

"It is hard enough to have to go, Evelyn!"

"It isn't that, Jack. What have I done? How have I displeased you?"

"You haven't displeased me, Evelyn," he faltered.

"Then why have you treated me as you have?"

"I thought it would be easier," he said.

"Have you forgotten what friends we were once?"

38 THE JUST AND THE UNJUST

she asked softly. "You always helped me out of my difficulties then, and you told me once that you cared —a great deal for me, more than you should ever care for any woman!"

"Yes," he answered shortly, and was silent.

He would scarcely have admitted to himself how foolish his early passion had been, for it was at least sincere and there could have been no sacrifice, at one time, that he would not have willingly made for her sake. His later sentiment for her had been a disgracing and a disgraceful thing, and he was glad to think of this boyish love, since it carried him back to a time before he had wrought only misery for himself. She misunderstood his reticence, she could not realize that she had lost the power that had once been hers.

"What a mistake I made, Jack!" she cried, and stretched out her hands toward him.

He fell back a step.

"Nonsense!" he said. He glanced sharply at her.

"How stupid you are!" she exclaimed.

She half rose from her chair with her hands still extended toward him. For a moment he met her glance, and then, disgusted and ashamed, withdrew his eyes from hers.

Evelyn sank back in her chair, and her face turned white and she covered it with her hands. North was the first to break the silence.

"We would both of us better forget this," he said quietly.

She rose and stood at his side. The color had returned to her cheeks.

"What a fool you are, John North!" she jeered softly. "And I might have made the tragic mistake of really caring for you!" She gave a little shiver of dismay, and then after a moment's tense silence: "What a boy you are,—almost as much of a boy as when we used to play together."

"I think there is nothing more to say, Evelyn," North said shortly. "It is growing late. You must not be seen leaving here!"

She laughed.

"Oh, it would take a great deal to compromise me; though if Marsh ever finds out that I have been here he'll be ready to kill me!" But she still lingered, still seemed to invite.

North was silent.

"You must be in love, Jack! You see, I'll not grant that you are the saint you'd have me think you! Yes, you are in love!" for he colored angrily at her words. "Is it—"

He interrupted her harshly.

"Don't speak her name!"

"Then it is true! I'd heard that you were, but I did not believe it! Yes, you are right, we must forget that I came here to-day."

While she was speaking she had moved toward the door, and instinctively he had stepped past her to open it. When he turned with his hand on the knob, it brought them again face to face. The smile

40 THE JUST AND THE UNJUST

had left her lips, they were mere delicate lines of color. She raised herself on tiptoe and her face, gray-white, was very close to his.

"What a fool you are, Jack, what a coward you must be!" and she struck him on the cheek with her gloved hand. "You *are* a coward!" she cried.

His face grew as white as her own, and he did not trust himself to speak. She gave him a last contemptuous glance and drew her veil.

"Now open the door," she said insolently.

He did so, and she brushed past him swiftly and stepped out into the long hall. For a moment North stood staring after her, and then he closed the door.

CHAPTER THREE

STRANGE BEDFELLOWS

WHEN North quitted Marshall Langham's office, Gilmore, after a brief instant of irresolution, stepped into the room. He was crudely handsome, a powerfully-built man of about Langham's own age, swarthy-faced and with ruthless lips showing red under a black waxed mustache. His hat was inclined at a "sporty" angle and the cigar which he held firmly between his strong even teeth was tilted in the same direction, imparting a rakish touch to Mr. Gilmore's otherwise sturdy and aggressive presence.

"Howdy, Marsh!" said his new-comer easily.

From his seat before his desk Langham scowled across at him.

"What the devil brings you here, Andy?" he asked, ungraciously enough.

Gilmore buried his hands deep in his trousers pockets and with one eye half closed surveyed the lawyer over the tip of his tilted cigar.

"You're a civil cuss, Marsh," he said lightly, "but one wouldn't always know it. Ain't I a client, ain't I a friend,—and damn it all, man, ain't I a

42 THE JUST AND THE UNJUST

creditor? There are three excuses, any one of which is sufficient to bring me into your esteemed presence!"

"We may as well omit the first," growled Langham, wheeling his chair back from the desk and facing Gilmore.

"Why?" asked Gilmore, lazily tolerant of the other's mood.

"Because there is nothing more that I can do for you," said Langham shortly.

"Oh, yes there is, Marsh, there's a whole lot more you can do for me. There's Moxlow, the distinguished prosecuting attorney; without you to talk sense to him he's liable to listen to all sorts of queer people who take more interest in my affairs than is good for them; but as long as he's got you at his elbow he won't forget my little stake in his election."

"If you wish him not to forget it, you'd better not be so particular 'n reminding him of it; he'll get sick of you and your concerns!" retorted Langham.

Gilmore laughed.

"I ain't going to remind him of it; what have I got you for, Marsh? It's your job." He took a step nearer Langham while his black brows met in a sulken frown. "I know I ain't popular here in Mount Hope, I know there are plenty of people who'd like to see me run out of town; but I'm no quitter, they'll find. It suits me to stay here, and they can't touch me if Moxlow won't have it. That's your job, that's what I hire you for, Marsh; you're Moxlow's part-

ner, you're your father's son, it's up to you to see I ain't interfered with. Don't tell me you can't do anything more for me. I won't have it!"

Langham's face was red, and his eyes blazed angrily, but Gilmore met his glance with a look of stern insistence that could not be misunderstood.

"I have done what I could for you," the lawyer said at last, choking down his rage.

"Oh, go to hell! You know you haven't hurt yourself," said Gilmore insolently.

"Well, then, why do you come here?" demanded Langham.

"Same old business, Marsh." He lounged across the room and dropped, yawning, into a chair near the window.

There was silence between them for a little space. Langham fussed with the papers on his desk, while Gilmore squinted at him over the end of his cigar.

"Same old business, Marsh!" Gilmore repeated lazily. "What's the enemy up to, anyhow? Are the good people of Mount Hope worrying Moxlow? Is their sleepless activity going to interfere with my sleepless profession, eh? Can you answer me that?"

"Moxlow has cut the office of late," said Langham briefly.

"He's happened on a good thing in the prosecuting attorney's office, I suppose? It's a pity you didn't strike out for that, Marsh; you'd have been of some use to your friends if you'd got the job."

"Not necessarily," said Langham.

44 THE JUST AND THE UNJUST

"Well, when's Moxlow going after me?" inquired Gilmore.

"I haven't heard him say. He told me he had sufficient evidence for your indictment."

"Yes, of course," agreed Gilmore placidly.

"I guess yours is a case for the next grand jury!"

"So Moxlow's in earnest about wishing to make trouble for me?" said Gilmore, still placidly.

"Oh, he's in earnest, all right." Langham shrugged his shoulders petulantly. "He'll go after you, and perhaps by the time he's done with you you'll wish you'd taken my advice and made yourself scarce!"

"I'm no quitter!" rejoined Gilmore, chewing thoughtfully at the end of his cigar.

"By all means stay in Mount Hope if you think it's worth your while," said Langham indifferently.

"Can you give me some definite idea as to when the fun begins?"

"No, but it will be soon enough, Andy. He wants the support of the best element. He can't afford to offend it."

"And he knows you are my lawyer?" asked Gilmore still thoughtfully.

"Of course."

"Ain't that going to cut any figure with him?"

"Certainly not."

"Is that so, Marsh?" He crossed his legs and nursed an ankle with both hands. "Well, somebody ought to lose Moxlow,—take him out and forget to

find him again. He's much too good for this world; it ain't natural. He's about the only man of his age in Mount Hope who ain't drifted into my rooms at one time or another." He paused and took the cigar from between his teeth. "You call him off, Marsh, make him agree to let me alone; ain't there such a thing as friendship in this profession of yours?"

Langham shook his head, and again Gilmore's black brows met in a frown. He made a contemptuous gesture.

"You're a he" of a lawyer!" he sneered.

"Be careful what you say to me!" cried Langham, suddenly giving way to the feeling of rage that until now he had held in check.

"Oh, I'm careful enough. I guess if you stop to think a minute you'll understand you got to take what I choose to say as I choose to say it!"

Langham sprang to his feet shaking with anger.

"No, by—" he began hoarsely.

"Sit down," said Gilmore coldly. "You can't afford to row with me; anyhow, I ain't going to row with you. I'll tell you what I think of you and what I expect of you, so sit down!"

There was a long pause. Gilmore gazed out the window. He seemed to watch the hurrying snowflakes with no interest in Langham who was still standing by his desk, with one shaking hand resting on the back of his chair. Presently the lawyer resumed his seat and Gilmore turned toward him.

"Don't talk about my quitting here, Marsh," he

46 THE JUST AND THE UNJUST

said menacingly. "That's the kind of legal advice I won't have from you or any one else."

"You may as well make up your mind first as last to it," said Langham, not regarding what Gilmore had just said. "I can't keep Moxlow quiet any longer; the sentiment of the community is against gamblers. If you are not a gambler, what are you?"

"You mean you are going to throw me over, you two?"

"With Moxlow it is a case of bread and butter; personally I don't care whom you fleece, but I've got my living to make here in Mount Hope, too, and I can't afford to go counter to public opinion."

"You have had some favors out of me, Marsh."

"I am not likely to forget them, you give me no chance," rejoined Langham bitterly.

"Why should I, eh?" asked Gilmore coolly. He leaned back in his chair and stared at the ceiling above his head. "Marsh, what was that North was saying about me when I came down the hall?" and his swarthy cheeks were tinged with red.

"I don't recall that he was speaking of you."

"You don't? Well, think again. It was about our going up to your house to-night, wasn't it? Your wife's back, eh? Well, don't worry, I came here partly to tell you that I had made other arrangements for the evening."

"It's just as well," said Langham.

"Do you mean your wife wouldn't receive me?"

demanded Gilmore. There was a catch in his voice and a pallor in his face.

"I didn't say that."

Gilmore's chair resounded noisily on the floor as he came to his feet. He strode to the lawyer's side.

"Then what in hell *do* you say?" he stormed.

In spite of himself Langham quailed before the gambler's fury.

"Oh, keep still, Andy! What a nasty-tempered beast you are!" he said pacifically.

There was a pause, and Gilmore resumed his chair, turning to the window to hide his emotion; then slowly his scowling glance came back to Langham.

"He said I was a common card-sharp, eh?" Langham knew that he spoke of North. "Damn him! What does he call himself?" He threw the stub of his cigar from him across the room. "Marsh, what does your wife know about me?" And again there was the catch to his voice.

Langham looked at him in astonishment.

"Know about you—my wife—nothing," he said slowly.

"I suppose she's heard my name?" inquired the gambler.

"No doubt."

"Thinks I rob you at cards, eh?" But Langham made no answer to this. "Thinks I take your money away from you," continued the gambler. "And it's

48 THE JUST AND THE UNJUST

your game to let her think that! I wonder what she'd think if she knew the account stood the other way about? I've been a handy sort of a friend, haven't I, Marsh? The sort you could use,—and you have used me up to the limit! I've been good enough to borrow money from, but not good enough to take home—”

“Oh, come, Andy, what's the use,” placated Langham. “I'm sorry if your feelings are hurt.”

“It's time you and I had a settlement, Marsh. I want you to take up those notes of yours.”

“I haven't the money!” said Langham.

“Well, I can't wait on you any longer.”

“I don't see but that you'll have to,” retorted Langham.

“I'm going to offer a few inducements for haste, Marsh. I'm going to make you see that it's worth your while to find that money for me quick,—understand? You owe me about two thousand dollars; are you fixed to turn it in by the end of the month?”

The gambler bit off the end of a fresh cigar and held it a moment between his fingers as he gazed at Langham, waiting for his reply. The latter shook his head but said nothing.

“Well, then, by George, I am going to sue you!”

“Because I can't protect you longer!”

“Oh, to hell with your protection! Go dig up the money for me or I'll raise a fuss here that'll hurt more than one reputation! The notes are good, ain't they?”

"They are good when I have the money to meet them."

"They are good even if you haven't the money to meet them! I guess Judge Langham's indorsement is worth something, and Linscott's a rich man; even Moxlow's got some property. Those are the three who are on your paper, and the paper's considerably overdue."

Langham turned a pale face on the gambler.

"You won't do that, Andy!" he said, in a voice which he vainly strove to hold steady.

"Won't I? Do you think I'm in business for my health?" And he laughed shortly, then he wheeled on Langham with unexpected fierceness. "I'll give you until the first of the month, Marsh, and then I'm going after you without gloves. I don't care a damn who squares the account; your indorsers' cash will suit me as well as your own." He caught the expression on Langham's face, its deathly pallor, the hunted look in his eyes, and paused suddenly. The shadow of a slow smile fixed itself at the corners of his mouth, he put out a hand and rested it on Langham's shoulder. "You damn fool! Have you tried that trick on me? I'll take those notes to the bank in the morning and see if the signatures are genuine."

"Do it!" Langham spoke in a whisper.

"Maybe you think I won't!" sneered the gambler. "Maybe you'd rather I didn't, eh? It will hardly suit you to have me show those notes?"

50 THE JUST AND THE UNJUST

"Do what you like; whatever suggests itself to a scurvy whelp like you!" said Langham.

Gilmore merely grinned at this.

"If you are trying to encourage me to smash you, Marsh, you have got the right idea as to how it is to be done." But his tone was now one of lazy good nature.

"Smash me then; I haven't the money to pay you."

"Get it!" said Gilmore tersely.

"Where?"

"You are asking too much of me, Marsh. If I could finance you I'd cut out cards in the future. How about the judge,—no? Well, I just threw that out as a hint, but I suppose you have been there already, for naturally you'd compliment him by giving him the chance to pull you up out of your troubles. Since your own father won't help you, how about Linscott? Is he going to want to see his son-in-law disgraced? I guess he's your best chance, Marsh. Put it on strong and for once tell the truth. Tell him you've dabbled in forgery and that it won't work!"

Langham had dropped back in his chair. He was seeking to devise some expedient that would meet his present difficulties. His bondage to the gambler had become intolerable, anything would be better than a continuance of that. The monstrous folly of those forgeries seemed beyond anything he could have perpetrated in his sober senses. He must

have been mad! But then he had needed the money desperately.

He might go to his father, but he had been to him only recently, and the judge himself was burdened with debt. He might go to Mr. Linscott, he might even try North. He could tell the latter the whole circumstance and borrow a part of what was left of his small fortune; of course he was in his debt as it was, but North would never think of that; he was a man to share his last dollar with a friend.

He passed a shaking hand across his eyes. On every side the nightmare of his obligations confronted him, for who was there that he could owe whom he did not already owe? He was notorious for his inability to pay his debts. This notoriety was hurting his professional standing, and now if Gilmore carried out his threat he must look forward to the shame of a public exposure. His very reputation for common honesty was at stake.

He wondered what men did in a crisis such as this. He wondered what happened to them when they could do nothing more. Usually he was fertile in expedients, but to-day his brain seemed wholly inert. He realized only a certain dull terror of the future; the present eluded him utterly.

He had never been over-scrupulous perhaps, he had always taken what he pleased to call long chances, and it was in almost imperceptible gradations that he had descended in the scale of honesty

52 THE JUST AND THE UNJUST

to the point that had at last made possible these forgeries. Until now he had always felt certain of himself and of his future; time was to bring him into the presence of his dear desires, when he should have money to lift the burden of debt, money to waste, money to scatter, money to spend for the good things of life.

But he had made the fatal mistake of anticipating the success in which he so firmly believed. Those notes—he dashed his hand before his face; suddenly the air of the room seemed to stifle him, courage and cunning had left him; there was only North to whom he could turn for a few hundreds with which to quiet Gilmore. Let him but escape the consequences of his folly this time and he promised himself he would retrench; he would live within his income, he would apply himself to his profession as he had never yet applied himself. He scowled heavily at Gilmore, who met his scowl with a cynical smile.

"Well, what are you going to do?" he queried.

But Langham did not answer at once. He had turned and was looking from the window. It was snowing now very hard, and twilight, under the edges of torn gray clouds was creeping over the Square; he could barely see the flickering lights in Archibald McBride's dingy shop-windows.

"Give me a chance, Andy!" he said at last appealingly.

"To the end of the month, not a day more," asserted Gilmore.

"Where am I to get such a sum in that time? You know I can't do it!"

"Don't ask me, but turn to and get it, Marsh. That's your only hope."

"By the first of the year perhaps," urged Langham.

"No, get rid of the notion that I am going to let up on you, for I ain't! I'm going to squat on your trail until the money's in my hand; otherwise I know damn well I won't ever see a cent of it! I ain't your only creditor, but the one who hounds you hardest will see his money first, and I got you where I want you."

"I can't raise the money; what will you gain by ruining me?" demanded Langham. He wished to impress this on Gilmore, and then he would propose as a compromise the few hundreds it would be possible to borrow from North.

"To get square with you, Marsh, will be worth something, and frankly, I ain't sure that I ever expected to see any of that money, but as long as you stood my friend I was disposed to be easy on you."

"I am still your friend."

"Just about so-so, but you won't keep Moxlow—"
"I can't!"

"Then I can't see where your friendship comes in." Gilmore quitted his chair.

"Wait, Andy!" said Langham hastily.

"No use of any more talk, Marsh, I want my money! Go dig it up."

54 THE JUST AND THE UNJUST

"Suppose, by straining every nerve, I can raise five hundred dollars by the end of the month—"

"Oh, pay your grocer with that!"

Langham choked down his rage. "You haven't always been so contemptuous of such sums."

"I'm feeling proud to-day, Marsh. I'm going to treat myself to a few airs, and you can pat yourself on the back when you've dug up the money by the end of the month! You'll have done something to feel proud of, too."

"Suppose we say a thousand," urged Langham.

"Good old Marsh! If you keep on raising yourself like this you'll soon get to a figure where we can talk business!" Gilmore laughed.

"Perhaps I can raise a thousand dollars. I don't know why I should think I can, but I'm willing to try; I'm willing to say I'll try—"

Gilmore shook his head.

"I've told you what you got to do, Marsh, and I mean every damn word I say,—understand that? I'm going to have my money or I'm going to have the fun of smashing you."

"Listen to me, Andy!" began Langham desperately.

"Why take me into your confidence?" asked the gambler coldly.

"What will you gain by ruining me?" repeated Langham fiercely.

The gambler only grinned.

"I am always willing to spend money on my pleas-

ures; and besides when those notes turn up, your father or some one else will have to come across."

Langham was silent. He was staring out across the empty snow-strewn Square at the lights in Archibald McBride's windows.

"Remember," said Gilmore, moving toward the door. "I'll talk to you when you got two thousand dollars."

"Damn you, where do you think I'll get it?" cried Langham.

"I'm not good at guessing," laughed Gilmore.

He turned without another word or look and left the room. His footsteps echoed loudly in the hall and on the stairs, and then there was silence in the building. Langham was again looking out across the Square at the lights in Archibald McBride's windows.

CHAPTER FOUR

ADVENTURE IN EARNEST

MR. SHRIMPLIN had made his way through a number of back streets without adventure of any sort, and as the night and the storm closed swiftly in about him, the shapes of himself, his cart and of wild Bill disappeared, and there remained to mark his progress only the hissing sputtering flame, that flared spectrally six feet in air as the little lamp-lighter drove in and out of shabby unfrequented streets and alleys.

It had grown steadily colder with the approach of night, and the wind had risen. The streets seemed deserted, and Mr. Shrimplin being as he was of a somewhat fanciful turn of mind, could almost imagine himself and Bill the only living things astir in all the town.

He reached Water Street, the western boundary of that part of Mount Hope known as the flats. He jogged past Maxy Schaffer's Railroad Hotel at the corner of Front Street, which flung the wicked radiance of its bar-room windows along the shining railroad track where it crossed the creek on the new iron bridge; and keeping on down Water Street with its smoky tenements, entered an outlying district

where the lamps were far apart and where red and blue and green switch lights blinked at him out of the storm.

It was nearly six o'clock when he at last wheeled into the Square; here only three gasolene burners—survivors of the old régime—held their own against the fast encroaching gas-lamp.

He lighted the one in High Street and was ready to turn and traverse the north side of the Square to the second lamp which stood a block away at the corner of High Street. He was drawing Bill's head about—Bill being smitten with a sudden desire to go directly home leaving the night's work unfinished—when the muffled figure of a man appeared in the street in front of him. The inch or more of snow that now covered the pavement had deadened the sound of his steps, while the eddying flakes had made possible his near approach unseen. As he came rapidly into the red glare of Mr. Shrimplin's hissing torch that hero was exceeding well pleased to recognize a friendly face.

"How are you, Mr. North?" he said, and John North halted suddenly.

"Oh, it's you, Shrimp! A nasty night, isn't it?"

"It's the suffering human limit!" rejoined Mr. Shrimplin with feeling.

As he spoke the town bell rang the hour; unconsciously, perhaps, the two men paused until the last reverberating stroke had spent itself in the snowy distance.

58 THE JUST AND THE UNJUST

"Six o'clock," observed Mr. Shrimplin.

"Good night, Shrimp," replied North irrelevantly.

He turned away and an instant later was engulfed in the wintry night.

Having at last pointed Bill's head in the right direction Mr. Shrimplin drove that trusty beast up to the lamp-post on the corner of High Street, when suddenly and for no apparent reason Bill settled back in the shafts and exhibited unmistakable, though humiliating symptoms of fright.

"Go on, you!" cried Mr. Shrimplin, slapping bravely with both the lines, but his voice was far from steady, for suppose Bill should abandon the rectitude of a lifetime and begin to kick.

"Go on, you!" repeated Mr. Shrimplin and slapped the lines again, but less vigorously, for by this time Bill was unquestionably backing away from the curb.

"Be done! Be done!" expostulated Mr. Shrimplin, but he gave over slapping the lines, for why irritate Bill in his present uncertain mood? "Want I should get out and lead you?" asked Mr. Shrimplin, putting aside with one hand the blankets in which he was wrapped. "You're a game old codger, ain't you? I guess you ain't aware you've growed up!"

While he was still speaking he slipped to the ground and worked his way hand over hand up the lines to Bill's bit. Bill was now comfortably located on his haunches, but evidently still dissatisfied for

he continued to back vigorously, drawing the protesting little lamplighter after him. When he had put perhaps twenty feet between himself and the lamp-post Bill achieved his usual upright attitude and his countenance assumed its habitual contemplative expression, the haunted look faded from his sa-gacious eye and his flaming nostrils resumed their normal benevolent expression. Taking note of these swift changes, it occurred to Mr. Shrimplin that rather than risk a repetition of his recent experience he would so far sacrifice his official dignity as to go on foot to the lamp-post. Bill would probably stand where he was, indefinitely, standing being one of his most valued accomplishments. The lamplighter took up his torch which he had put aside in the struggle with Bill and walked to the curb.

And here Mr. Shrimplin noticed that which had not before caught his attention. McBride's store was apparently open, for the bracketed oil lamps that hung at regular intervals the full length of the long narrow room, were all alright.

Mr. Shrimplin, whose moods were likely to be critical and censorious, realized that there was something personally offensive in the fact that Archibald McBride had chosen to disregard a holiday which his fellow-merchants had so very generally observed.

"And him, I may say, just rotten rich!" he thought.

Mr. Shrimplin further discovered that though the

60 THE JUST AND THE UNJUST

lamps were lit they were burning low, and he concluded that they had been lighted in the early dusk of the winter afternoon and that McBride, for reasons of economy, had deferred turning them up until it should be quite dark.

"Well, I'm a poor man, but I couldn't think of them things like he does!" reflected Mr. Shrimplin; and then even before he had ceased to pride himself on his superior liberality he made still another discovery, and this, that the store door stood wide open to the night.

"Well," thought Mr. Shrimplin, "maybe he's saving oil, but he's wasting fuel."

Approaching the door he peered in. The store was empty, Archibald McBride was nowhere visible. Evidently the door had been open some little time, for he could see where the snow, driven by the strong wind, had formed a miniature snow-drift just beyond the threshold.

"Either he's stepped out and the door's blown open," muttered Mr. Shrimplin, "or he's in his back office and some customer went out without latching it."

He paused irresolutely, then he put his hand on the knob of the door to close it, and paused again. With his taste for fictitious horrors, usually indulged in, however, by his own warm fireside, he found the present time and place slightly disquieting; and then Bill's singular and erratic behavior had rather weakened his nerve. From under knitted

brows he gazed into the room. The storm rattled the shuttered windows above his head, the dingy sign creaked on its rusty fastenings, and with each fresh gust the bracketed lamps rocked gently to and fro, and as they rocked their trembling shadows slid back and forth along the walls. The very air of the place was inhospitable, forbidding, and Mr. Shrimplin was strongly inclined to close the door and beat a hasty retreat.

Still peering down the narrow room with its sagging shelves and littered counters, he crossed the threshold. Now he could see the office, a space partitioned off at the rear of the building and having a glass front that gave into the store itself. Here, as he knew, stood Mr. McBride's big iron safe, and here was the high desk, his heavy ledgers—row after row of them; these histories of commerce covered almost the entire period during which men had bought and sold in Mount Hope.

A faint light burned beyond the dirty glass partition, but the tall meager form of the old merchant was nowhere visible. Mr. Shrimplin advanced yet farther into the room and urged by his sense of duty and his public spirit, he directed his steps toward the office, treading softly as one who fears to come upon the unexpected. Once he paused, and addressing the empty air, broke the heavy silence:

"Oh, Mr. McBride, your door's open!"

The room echoed to his words.

"Well," carped Mr. Shrimplin, "I don't see as it's

62 THE JUST AND THE UNJUST

any of my business to attend to his business!" But the very sound of his voice must have given him courage, for now he stepped forward, briskly.

On his right was a show-case in which was displayed a varied assortment of knives, cutlery, and revolvers with shiny silver or nickel mountings; then the show-case gave place to a long pine counter, and at the far end of this was a pair of scales. Near the scales on a low iron standard rested an oil lamp, but this lamp was not lighted nor were the lamps in the bracket that hung immediately above the scales, for behind the counter at this point was a door, the upper half glass, that opened on a small yard which, in turn, was inclosed by a series of low sheds where the old merchant stored heavy castings, bar-iron, and the like. Mr. Shrimplin was shrewdly aware that it was one of McBride's small economies not to light the lamps by that door so long as he could see to read the figures on the scales without their artificial aid.

And then Mr. Shrimplin saw a thing that sent the blood leaping from his heart, while an icy hand seemed to hold him where he stood. On the floor at his very feet was a strange huddled shape. He lowered his gasolene torch which he still carried, and the shape resolved itself into the figure of a man; an old man who lay face down on the floor, his arms extended as if they had been arrested while he was in the very act of raising them to his head. The thick shock of snow-white hair, worn rather

But
in him
s dis-
, and
tings;
nter,
Near
n oil
e the
above
was a
small
low
ings,
wdly
mies
s he
hout

sent
and
oor
He
ied,
of
oor,
hile
ad.
her



On the floor at his feet was a strange huddled shape.

long, was discolored just back of the left ear, and from this Mr. Shrimplin's horrified gaze was able to trace another discoloration that crossed in a thin red line the dead man's white collar; for the man was dead past all peradventure.

Mr. Shrimplin saw and grasped the meaning of it all in an instant. Then with a feeble cry he turned and fled down the long room, pursued by a million phantom terrors. His heart seemed to die within him as he scurried down that long room; then, mercifully, the keen fresh air filled his lungs. He fairly leaped through the open door, and again the storm roared about him with a kind of boisterous fellowship. It smote him in the face and twisted his shaking legs from under him. Then he fell, speechless, terrified, into the arms of a passer-by.

CHAPTER FIVE

COLONEL GEORGE HARBISON

TERROR-STRICKEN as he was, Mr. Shrimplin recognized the man into whose arms he had fallen. There was no mistaking the nose, thin and aquiline, the bristling mustache and white imperial, the soft gray slouch hat, or the military cloak that half concealed the stalwart form of its wearer.

Colonel George Harbison, much astonished and in utter ignorance of the cause of Mr. Shrimplin's alarm, took that gentleman by the collar and deftly jerked him into an erect posture.

"My dear sir!" the colonel began in a tone of mild expostulation, evidently thinking he had a drunken man to deal with. "My dear sir, do be more careful—" then he recognized the lamplighter. "Well, upon my word, Shrimp, what's gone wrong with you?" he demanded, with military asperity.

"My God, Colonel, if he ain't lying there dead—" a shudder passed through the little man; he was well-nigh dumb in his terror. "And I stumbled right on to him there on the floor!" he cried with a gasp.

He collapsed again, and again the colonel, whose gloved hand still retained its hold on his collar, set him on his trembling legs with admirable expertness.

"I tell you he's dead!" cried Mr. Shrimplin, lost to everything but that one dreadful fact.

"Who's dead?" demanded the colonel. "Stand up, man, don't fall about like that or you may do yourself some injury!" for Mr. Shrimplin seemed about to collapse once more.

"Old man McBride, Colonel—if he ain't dead I wish I may never see death!"

"Dead!" cried the colonel. "Archibald McBride dead!" He released his hold on Mr. Shrimplin and took a step toward the door; Shrimplin, however, detained him with a shaking hand, though he was calmer now.

"Colonel, you'd better be careful, he's lying there in a pool of blood; some one's killed him for his money! How do we know the murderer ain't there!" This conjecture was made to the empty street, for Colonel Harbison had entered the store.

"Why does he want to leave me like that!" wailed Shrimplin, and his panic threatened a return.

He dragged himself to the door. Here he paused, since he could not bring himself to enter, for before his eyes was the ghastly vision of that old man huddled on the blood-stained floor. He heard the colonel's steps echo down the long room, and when their sound ceased he knew he was standing beside the dead man. After what seemed an age of waiting the steps sounded again, and a moment later the colonel's tall form filled the doorway.

"Andy!" said the colonel.

66 THE JUST AND THE UNJUST

Mr. Shrimplin turned with a start. At his back within reach of his hand stood Andy Gilmore. He had been utterly unaware of the gambler's approach, but now conscious of it he dropped in a miserable heap on the door-sill, while the white and unfamiliar world reeled before his bleached blue eyes; it was the very drunkenness of fear.

"Howdy, Colonel," said the gambler, as he gave Harbison a half-military salute.

He admired the colonel, who had once threatened to horsewhip him if he ever permitted his nephew, Watt, to enter his rooms.

"Come here, Andy!" ordered the colonel briefly.

"God's sake, Colonel!" gasped the wretched little lamplighter, struggling to his feet, "don't leave me here—"

"What's wrong, Colonel?" asked Gilmore.

"Archibald McBride's been murdered!"

Mr. Gilmore took the butt of the half-smoked cigar from between his teeth, tossed it into the gutter, and pushing past Mr. Shrimplin entered the room.

Colonel Harbison, a step or two in advance of his companion, led the way to the rear of the store. The colonel paused, and Gilmore gained a place at his elbow.

"You are sure he's dead?" questioned the gambler.

Kneeling beside the crumpled figure Gilmore slipped his hand in between the body and the floor; his manner was cool and businesslike. After a

COLONEL GEORGE HARBISON 67

moment he withdrew his hand and looked up into the colonel's face.

"Well?" asked the colonel.

"Oh, he's dead, all right!" Gilmore glanced about him, and the colonel's eyes following, they both discovered that the door leading into the side yard was partly open.

"He went that way, eh, Colonel?"

"It's altogether likely," agreed the veteran.

"It's a nasty business!" said Gilmore reflectively.

"Shocking!" snapped the colonel.

"He took big chances," commented the gambler, "living the way he did." He spoke of the dead man.

"Poor old man!" said the colonel pityingly.

What had it all amounted to, those chances for the sake of gain, which Gilmore had in mind.

"He can't have been dead very long," said Gilmore. "Did *you* find him, Colonel?" he asked as he stood erect.

"No, Shrimplin found him."

Again the two men looked about them. On the floor by the counter at their right was a heavy sledge. Gilmore called Harbison's attention to this.

"I guess the job was done with that," he said.

"Possibly," agreed Harbison.

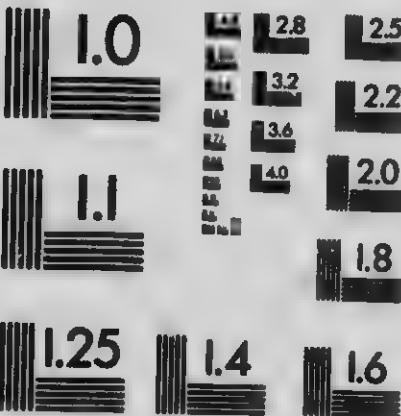
Gilmore picked up the sledge and examined it narrowly.

"Yes, you can see, there is blood on it." He handed it to Harbison, who stepped under the nearest lamp with the clumsy weapon in his hand.



MICROCOPY RESOLUTION TEST CHART

(ANSI and ISO TEST CHART No. 2)



APPLIED IMAGE Inc

1653 East Main Street
Rochester, New York 14609 USA
(716) 482-0300 - Phone
(716) 288-5989 - Fax



68 THE JUST AND THE UNJUST

"You are right, Andy!" and he glanced at the rude instrument of death with a look of repugnance on his keen sensitive face, then he carefully placed it under the wooden counter. "Horrible!" he muttered to himself.

"It was no joke for him!" said the gambler, catching the last word. "But some one was bound to try this dodge sooner or later. Why, as far back as I can remember, people said he kept his money hidden away at the bottom of nail kegs and under heaps of scrap-iron." He took a cigar from his pocket, bit off the end, and struck a match. "Well, I wouldn't want to be the other fellow, Colonel; I'd be in all kinds of a panic; it takes nerve for a job like this."

"It's a shocking circumstance," said the colonel.

"I wonder if it paid!" speculated the gambler. "And I wonder who'll get what he leaves. Has he any family or relatives?"

"No, not so far as any one knows. He came here many years ago, a close-mouthed Scotchman, who never had any intimates, never married, and never spoke of his private affairs."

There was a slight commotion at the door. They could hear Shrimplin's agitated voice, and a moment later two men, chance passers-by with whom he had been speaking, shook themselves free of the little lamplighter and entered the room. The new-comers nodded to the colonel and Gilmore as they paused to stare mutely at the body on the floor.

"He bled like a stuck pig!" said one of the men

at last. He was a ragged slouching creature with a splotched and bloated face half hidden by a bristling red beard. He glanced at Gilmore for an uncertain instant out of a pair of small shifty eyes. "It's murder, ain't it, boss?" he added.

"No doubt about that, Joe!" rejoined the gambler. "I suppose it was robbery?" said the other man, who had not spoken before.

"Very likely," answered the colonel. "We have not examined the place, however; we shall wait for the proper officials."

"Who do you want, Colonel?"

"Coroner Taylor, and I suppose the sheriff," replied Harbison.

The man nodded.

"All right, I'll bring them; and say, what about the prosecuting attorney?" as he turned to leave.

"Yes, bring Moxlow, too, if you can find him."

The man hurried from the room. Gilmore leaned against the counter and smoked imperturbably. Joe Montgomery, with his great slouching shoulders arched, and his grimy hands buried deep in his trousers pockets, stared at the dead man in stolid wonder. Colonel Harbison's glance sought the same object but with a sensitive shrinking as from an ugly brutal thing. A clock ticked loudly in the office; there was the occasional fall of cinders from the grate of the rusted stove that heated the place; these were sounds that neither Gilmore nor the colonel had heard before. Presently a lean black cat stole from

70 THE JUST AND THE UNJUST

the office and sprang upon the counter; it purred softly.

"Hello, puss!" said the gambler, putting out a hand. The cat stole closer. "I guess I'll have to take you home with me, eh? This ain't a place for unprotected females!" The cat crept back and forth under his caressing touch.

At the street-door Shrimplin appeared and disappeared, now his head was thrust into the room, and now his nose was flattened against the dingy show-windows; from neither point could he quite command the view he desired nor could he bring himself to enter the building; then he vanished entirely, but after a brief interval they heard his voice. He was evidently speaking with some one in the street. A little crowd was rapidly gathering about him, but it disintegrated almost immediately, his listeners abandoning him to hurry into the store.

"You must stand back, all of you!" said the colonel. "Unless you are very careful you may destroy important evidence!"

The crowd assembled itself silently for the most part; here and there a man removed his hat, or made some whispered comment, or asked some eager low-voiced question of Gilmore or the colonel. Men stood on boxes, on nail kegs, and on counters. Except for the little circle left about the dead man on the floor, every vantage point of observation was soon occupied. It was scarcely half an hour since Shrimplin had fallen speechless into Colonel Harbison's arms,

yet fully two hundred men had gathered in that long room or were struggling about the door to gain admittance to it.

At a suggestion from Harbison, the gambler, followed by Joe, elbowed his way to the front door, which in spite of the protest of those outside, he closed and locked. A moment later, however, he opened it to admit Doctor Taylor, the coroner, and Conklin, the sheriff. The latter instantly set about clearing the room.

Gilmore and the colonel remained with the officials and during the succeeding ten minutes the gambler, who had kept his post at the door, opened it to Moxlow, young Watt Harbison and two police-
men.

As the coroner finished his examination of the body, the sound of wheels was heard in the Square and an undertaker's wagon drew up to the door. The murdered man was placed on a stretcher and covered with a black cloth, then four men raised the stretcher and for the last time the old merchant passed out under his creaking sign into the night.

"I've agreed to watch at the house, Andy," said Colonel Harbison. "I want you and Watt to come with me."

The gambler lighted a fresh cigar and the three men left the store.

On the Square groups of men discussed the murder. Though none was permitted to enter the store, the windows afforded occasional glimpses of the

72 THE JUST AND THE UNJUST

little group of officials within, until a policeman closed and fastened the heavy wooden shutters. Then the crowd slowly and reluctantly dispersed.

Meanwhile the town marshal, under cover of the excitement, had descended on the gas house where tramps congregated of winter nights for warmth and shelter. Here he found shivering over a can of beer, two homeless wretches, whom he arrested as suspicious characters. After this, official activity languished, for the official mind could think of nothing more to do.

With the scattering of the crowd on the Square, Shrimplin climbed into his cart and drove off home. The smother of wind-driven snow still enveloped the town, the very air seemed charged with mystery and horror, and before the little lamplighter's eyes was ever the haunting vision of the murdered man.

He drove into the alley back of his house, unhitched Bill and led him into the barn. His torch made the gloom of the place more terrifying than utter darkness would have been. Suppose the murderer should be hiding there! Mr. Shrimplin's mind fastened on the hay-mow as the most likely place of concealment, and the cold sweat ran from him in icy streams; he could almost see the murderer's evil eyes fixed upon him from the blackness above. But at last Bill was stripped of his harness, and the little lamplighter, escaping from the barn with its fancied terrors, hurried across his small back yard to his kitchen door.

"Well!" said Mrs. Shrimplin, as he entered the room. "I was beginning to wonder if you'd ever think it worth your while to come home!"

"What's the bell been ringing for?" asked Custer. Mrs. Shrimplin was seated by the table, which was littered with her sewing; Custer occupied his usual chair by the stove, and it was evident that they knew nothing of the tragedy in which Mr. Shrimplin had played so important, and as he now felt, so worthy a part.

"I suppose I've been out quite a time, and I may say I've seen times, too! I guess there ain't no one in the town fitter to say they seen times than just me!"

The light and comfort of his own pleasant kitchen had quite restored Mr. Shrimplin.

"I may say I seen times!" he repeated significantly. "There's something doing in this here old town after all! I take back a heap of the hard things I've said about it; a feller can scare up a little excitement if he knows where to look for it. I ain't bragging none, but I guess you'll hear my name mentioned—I guess you'll even see it in print in the newspapers!" He warmed his cold hands over the stove. "Throw in a little more coal, sonny; I'm half froze, but I guess that's the worst any one can say of me!"

"You make much of it, whatever it is," said Mrs. Shrimplin.

"Maybe I do and maybe I don't," equivocated Mr. Shrimplin genially.

74 THE JUST AND THE UNJUST.

"Maybe you're not above telling a body what kept you out half the night?" inquired his wife.

"If you done and seen what I've did and saw," replied Mr. Shrimplin impressively, "you'd look for a little respect in your own home."

"I'd be a heap quicker telling about it," said Mrs. Shrimplin.

Mr. Shrimplin turned to Custer.

"I guess you're thinking it was a burglar; but, sonny, it wasn't no burglar—so you got another guess coming to you," he concluded benevolently.

"I know!" cried Custer. "Some one's been killed!"

"Exactly!" said Mr. Shrimplin with increasing benevolence. "Some one has been killed!"

"You done it!" cried Custer.

"I found the party," admitted Mr. Shrimplin with calm dignity.

"Oh!" But perhaps Custer's first emotion was on the whole one of disappointment.

"How you talk!" said Mrs. Shrimplin.

"I reckon I might say more, most any one would," retorted Mr. Shrimplin quietly. "It was old man McBride—some one's murdered him for his money; I never seen the town so on end over anything before, but whoever wants to be well posted's got to come to me for the particulars. I seen the old man before Colonel Harbison seen him, I seen him before Andy Gilmore seen him, I seen him before the cor-

oner seen him, or the sheriff or *any one* seen him! I was on the spot ahead of 'em all. If any one wants to know how he looked just after he was killed, they got to come to me to find out. Colonel Harbison can't tell 'em, and Andy Gilmore can't tell 'em; it's only me knows them particulars!"

The effect of this stirring declaration was quite all he had hoped for. Out of the tail of his eye he saw that Mrs. Shrimplin was, as she afterward freely confessed, taken aback. As for Custer, he had forgotten his disappointment that a death by violence had occurred for which his father was not directly responsible.

"Did you see the man that killed old Mr. McBride?" asked Custer, breaking the breathless spell that was upon him.

"No; if I'd been just about fifteen minutes sooner I'd have seen him; but I was just about that much too late, sonny. I guess he's a whole lot better off, though."

"What would you have done if you'd seen him?" Custer's voice sank to a whisper.

"Well, I don't pack a gun for nothing. If I'd seen him there, he'd had to go 'round to the jail with me. I guess I could have coaxed him there; I was ready for to offer extra inducements!"

"And does everybody know you seen old Mr. McBride the first of any?" asked Custer.

"I guess they do; I ain't afraid about that. Colonel Harbison's too much of a gentleman to claim any

76 THE JUST AND THE UNJUST

credit that ain't his; he'd be the first one to own up that he don't deserve no credit."

"What took you into McBride's store? You hadn't no errand there." Mrs. Shrimplin was a careful and acquisitive wife.

"I allow I made an errand there," said Mr. Shrimplin bridling. "I reckon many another man might have thought he hadn't no errand there either, but I feel different about them things. I was just turned into the Square when along comes young John North—"

"What was he doing there?" suddenly asked Mrs. Shrimplin.

"I expect he was attending strictly to his own business," retorted Mr. Shrimplin, offended by the utter irrelevancy of the question.

"Go on, pa!" begged Custer.

He felt that his mother's interruptions were positively cruel, and—so like a woman!

"Me and young John North passed the time of day," continued Mr. Shrimplin, thus abjured, "and I started around the north side of the Square to light the lamp on old man McBride's own corner. If I'd knowed then—" he paused impressively, "if I'd just knowed then, that was my time! I could have laid hands on the murderer. He was there somewhere, most likely he was watching me; well, maybe it was all for the best, I don't know as a married man's got any right to take chances. Anyway, I got to within, well—I should say, thirty feet of that lamp-post

when all of a sudden Bill began to act up. You never saw a horse act up like he done! He w^{as} in his britching and then the other end of him come up and he acted like he wanted to set down on the singletree!"

"Why did he do that?" asked Custer.

"Well, I guess you've got some few things to learn, Custer," said Mr. Shrimplin indulgently. "He smelt blood—that's what he smelt!"

"Oh!" gasped Custer.

"I've knowed it to happen before. It's instinct," explained Shrimplin. "'Singular,' says I, and out I jumps to have a look about. I walked to the lamp-post, and then I seen what I hadn't seen before, that old man McBride's store door was open, so I stepped on to the sidewalk intending to close it, but as I put my hand on the knob I seen where the snow had drifted into the room, so I knew the door must have been open some little time. That's mighty odd, I thinks, and then it sort of come over me the way Bill had acted, and I went along into the store in pretty considerable of a hurry."

"Were you afraid?" demanded Custer in an awe-struck whisper.

"I'll tell you the truth, Custer, I wasn't. I own I'd drawed my gun, wishing to be on the safe side. First thing I noticed was that the lamps hadn't been turned up, though they was all lit. I got back to the end of the counter when I came to a halt, for there in a heap on the floor was old man McBride,

78 THE JUST AND THE UNJUST

with his head mashed in where some one had hit him with a sledge. There was blood all over the floor, and it was a mighty sickenin' spectacle. I sort of looked around hoping I'd see the murderer, but he'd lit out, and then I went back to the front of the store, where I seen Colonel Harbison coming across the Square. I told him what I'd seen and he went inside to look; while he was looking, along come Andy Gilmore and I told him, too, and he went in. They knowed the murderer wasn't there, that I'd been in ahead of them. After that the people seemed to come from every direction; then presently some one started to ring the town bell and that fetched more people, until the Square in front of the store was packed and jammed with 'em. Everybody wanted to hear about it first-hand from me; they wanted the *full par'culars* from the only one who knowed 'em."

Mr. Shrimplin paused for breath. The recollection of his splendid publicity was dazzling. He imagined the morrow with its possibility of social triumph; he went as far as to feel that Mrs. Shrimplin now had a certain sneaking respect for him.

"Did you see tracks in the snow?" demanded Custer.

"No, I didn't see nothing," declared Mr. Shrimplin.

"You seen young John North."

It was Mrs. Shrimplin who spoke.

"Well, yes, I seen young John North—I said I seen him!"

CHAPTER SIX

PUTTING ON THE SCREWS

A SCORE of men and boys followed the undertaker's wagon to the small frame cottage that had been Archibald McBride's home for half a century, and a group of these assembled about the gate as the wagon drew up before it. Along the quiet street, windows were raised and doors were opened. It was perhaps the first time, as it was to be the last, that Archibald McBride's neighbors took note of his home-coming.

His keys had been found and intrusted to one of the policemen who accompanied the undertaker and his men; now, as the wagon came to a stand, this officer sprang to the ground, and pushing open the gate went quickly up the path to the front door. There in the shelter of the porch he paused to light a lantern, then he tried key after key until he found the one that fitted the lock; he opened the door and entered the house, the undertaker following him. A second officer stationed himself at the door and kept back the crowd. Their preparations were soon made and the two men reappeared on the porch.

80 THE JUST AND THE UNJUST

"It's all right," the undertaker said, and four men raised the stretcher again and carried the old merchant into the house.

At this juncture Colonel Harbison, followed by his nephew and Gilmore, made his way through the crowd before the door. Gilmore, even, gave an involuntary shudder as they entered the small hall lighted by the single lantern, while the colonel could have wished himself anywhere else; he had come from a sense of duty; he had known McBride as well as any one in Mount Hope had known him, and it had seemed a lack of respect to the dead man to leave him to the care of the merely curious; but he was painfully conscious of the still presence in the parlor; he felt that they were unwelcome intruders in the home of that austere old man, who had made no friends, who had no intimates, but had lived according to his choice, solitary and alone. The colonel and Watt Harbison followed the gambler into what had been the old merchant's sitting-room. There were two lamps on the chimneypiece, both of which Gilmore lighted.

"That's a whole lot better," he said.

"Anything more we can do, gentlemen?" asked the undertaker, coming into the room.

"Nothing, thank you," answered the colonel in a tone of abstraction, and he felt a sense of relief when the officials had gone their way into the night, leaving him and his two companions to their vigil.

Now for the first time they had leisure and oppor-

tunity to look about them. It was a poor enough place, all things considered; the furniture was dingy with age and neglect, for Archibald McBride had kept no servant; a worn and faded carpet covered the floor; there was an engraving of Washington Crossing the Delaware and a few old-fashioned woodcuts on the wall; at one side of the room was a desk, opposite it a rusted sheet-iron stove in which Watt Harbison was already starting a fire; there was a scant assortment of uncomfortable chairs, a table, with one leg bandaged, and near the desk an old mahogany davenport.

"This wouldn't have suited you, eh, Colonel?" said Gilmore at last.

"He could hardly be said to live here, he merely came here to sleep," answered the colonel.

"No, he couldn't have cared for anything but the one thing," said Gilmore. "Were you ever here before, Colonel?" he added.

"Never."

"I don't suppose half a dozen people in the town were ever inside his door until to-night," said Watt Harbison, speaking for the first time.

Gilmore turned to look at the colonel's nephew as if he had only that moment become aware of his presence. What he saw did not impress him greatly, for young Watt, save for an unusually large head, was much like other young men of his class. His speech was soft, his face beardless and his gray eyes gazed steadily but without curiosity on, what was for

82 THE JUST AND THE UNJUST

him, an unclighted world. For the eighteen months that he had been an "attorney and counselor at law" the detail of office rent had been taken care of by the colonel.

"Sort of makes the game he played seem rotten poor sport," commented Gilmore, replying to the nephew but looking at the uncle.

The colonel was silent.

"Rotten poor sport!" repeated Gilmore.

"Who'll come in for his property?" asked Watt Harbison.

"Oh, some one will claim that," said Gilmore. "They were saying down at the store, that once, years ago, a brother of his turned up here, but McBride got rid of him."

"Suppose we have a look around before we settle ourselves for the night," suggested Watt Harbison.

"Will you join us, Colonel?" asked the gambler.

But the colonel shook his head. Gilmore took up one of the lamps as he spoke and opened a door that led into what had evidently once been a dining-room, but it was now only partly furnished; back of this was a kitchen, and beyond the kitchen a woodshed. Returning to the front of the house, they mounted to the floor above. Here had been the old merchant's bedroom; adjoining it were two smaller rooms, one of which had been used as a place of storage for trunks and boxes and broken bits of furniture; the other room was empty.

"We may as well go back down-stairs," said the

PUTTING ON THE SCREWS 33

gambler, halting, lamp in hand, in the center of the empty room.

Harbison nodded, and leading the way to the floor below, they rejoined the colonel in the sitting-room, where they made themselves as comfortable as possible.

The colonel and his nephew talked in subdued tones, principally of the murdered man; they had no desire to exclude their companion from the conversation, but Gilmore displayed no interest in what was said. He sat at the colonel's elbow, preoccupied and thoughtful, smoking cigar after cigar. Presently the colonel and his nephew lapsed into silence. Their silence seemed to rouse Gilmore to what was passing about him. He glanced at the elder Harbison.

"You look tired, Colonel," he said. "Why don't you stretch out on that lounge yonder and take a nap?"

"I think I shall, Andy, if you and Watt don't mind." And the colonel quitted his chair.

"Better put your coat over you," advised the gambler.

He watched the colonel as he made himself comfortable on the lounge, then he lighted a fresh cigar, tilted his chair against the wall and with head thrown back studied the ceiling. Watt Harbison made one or two tentative attempts at conversation, to which Gilmore briefly responded, then the young fellow also became thoughtful. He fell to

84 THE JUST AND THE UNJUST

watching the gambler's strong profile which the lamp silhouetted against the opposite wall; then drowsiness completely overcame him and he slept in his chair with his head fallen forward on his breast.

Gilmore, alert and sleepless, smoked on; he was thinking of Evelyn Langham. After his interview with her husband that afternoon he had gone to his own apartment. His bedroom adjoined North's parlor and through the flimsy lath and plaster partition he had distinctly heard a woman's voice. The sound of that voice and the suspicion it instantly begot added to his furious hatred of North, for he had long suspected that something more than friendship existed between Marshall Langham's wife and Marshall Langham's friend.

"Damn him!" thought the gambler. "I'll fix him yet!" And he puffed at his cigar viciously.

He had made sure that North's mysterious visitor was Evelyn Langham, for when she left the building he himself had followed her. Out of the dregs of his nature this foolish mad passion of his had arisen to torture him; he had never spoken with Langham's wife, probably she knew him by sight, nothing more; but still his game, the waiting game he had been forced to play, was working itself out better than he had even hoped! At last he had Marshall Langham where he wanted him, where he could make him feel his power. Langham would not be able to raise the money required to cover up those

PUTTING ON THE SCREWS 85

forgeries, and on the basis of silence he would make his bargain with the lawyer.

Gilmore pondered this problem for the better part of an hour, considering it from every conceivable angle; then suddenly the expression of his face changed, he forgot for the moment his ambitions and his desires, his hatred and his love; he thought he heard the click of the old-fashioned latch on the front gate. He remembered that it could be raised only with difficulty. Next he heard the sound of footsteps approaching the house. They seemed to come haltingly down the narrow brick path which the wind had swept clear of snow.

Mr. Gilmore was blessed with a steadiness of nerve known to but few men, yet the hour and the occasion had their influence with him. He stood erect: now the steps which had paused for a moment seemed to recede; it was as if the intruder, whoever he might be, had come almost to the front door and had then, for some inexplicable reason, gone back to the street. Gilmore even imagined him as standing there with his hand on the latch of the gate. He was tempted to rouse his two companions, but he did not, and then, as he still stood with his senses tense, he heard the steps again approach the front door. With a glance in the direction of the colonel and his nephew to assure himself that they still slept, Gilmore rather shamefacedly slipped his right hand under the tails of his coat, tiptoed into the hall and paused there close by the parlor door. The steps

86 THE JUST AND THE UNJUST

outside continued, he heard the porch floor give under a weight, and then some one rapped softly on the door.

Gilmore waited an instant; the rap was repeated; he stepped to the door, shot the bolt and opened it. The storm had passed; it was now cold and clear, a brilliant, starlit, winter's night. He saw the man on the porch clearly as he stood there with the world in white at his back. Gilmore instantly recognized him, and his hand came from under the tails of his coat; he closed the door softly.

"What sort of a joke is this, Marsh?" he demanded in a whisper.

"Joke?" repeated the lawyer in a thick husky voice, as he took an uncertain step toward the gambler.

"Your coming here at this hour; if it isn't a joke, what is it?"

Gilmore saw that his face was flushed with drink while his eyes shone with a light he had never seen in them before. He must have been abroad in the storm for some time, for the snow had lodged in the rim of his hat and his shoulders were still white with it; now and again a paroxysm of shivering seized him.

"Whisky chill," thought the gambler. "Come in, Marsh!" he said, but Langham seemed to draw back instinctively.

"No, I guess not, Andy!" and a sickly pallor overspread his face.

PUTTING ON THE SCREWS 87

"What's the matter with you?" demanded Gilmore.

"I want to see you," said the other. "I can't go home yet." He swayed heavily. "I need to talk to you on a matter of business. Come on out—come on off of here;" and he led the way down the porch steps. "Whom have you in there with you?" he questioned when he had drawn Gilmore a little way along the path.

"The colonel and Watt Harbison."

"No one else?"

"No."

"Do they know I'm here?"

"I guess not, they were asleep two minutes ago."

"That's good. I don't want to see them, I want to see you."

"Wouldn't it keep, Marsh?" asked Gilmore.

"No, sir, it wouldn't keep; I want to tell you just what I think of you, you damn—"

"Oh, that will keep, Marsh, any time will do for that; anyway, you have told me something like that already! When you sober up—"

"Do you think I'm drunk?"

"I don't think anything about it."

"Well, maybe I am, I have been under a strain. But I'm not too drunk to attend to business; I am never too drunk for that. I wish to say I have the money—"

His lips twitched, and Gilmore, watching him furtively, saw that he was again shivering.

88 THE JUST AND THE UNJUST

"You got what, Marsh?" demanded Gilmore in a whisper.

"The money, the money I owe you!"

"Oh, I see!" He fell back a step and stared at Langham; there was apprehension dawning in his eyes. "Where did you get it?" he asked.

But Langham shook his head.

"That's my business; it's enough for you to get your money."

"Well, you were quick about it," said Gilmore, and he rested his hand on the lawyer's arm.

Langham moved a step aside.

"You threatened me," he said resentfully, but with drunken dignity. "You were going to smash me; I wish to say that now you can smash and be damned! I have the money—"

"Oh, come, Marsh! Don't you feel cut up about that; I didn't mean to make you mad; you mustn't hold that against me!"

"You come to my office to-morrow and get your money," said Langham, still with dignity. "I've been under a great strain getting that money, and now I'm done with you—"

Gilmore laughed.

"What are you laughing at?"

"You, you fool! But you aren't done with me; we'll be closer friends than ever after this. Just now you are too funny for me to take seriously. You go home and sleep off this drunk; that's my advice to you! I'd give a good deal to know where you have

been and what sort of a fool you have been making of yourself since I saw you last!" added Gilmore.

"Don't you worry about me; I'm all right. What I want to say is, lend me your keys; I can't go home this way—lend me your keys and I'll go to your rooms and sleep it off."

"All right, Marsh; think you can get there?"

"Of course; I'm all right."

"And you'll go there if I give you my keys—you'll go nowhere else?"

"Of course I won't, Andy!"

"You won't stop to talk with any one?"

"Who'll I find to talk with at this time of the night?" laughed the drunken man derisively. "It's three o'clock! Say, Andy, who'll I find to talk to?"

"By God, I hope no one, you fool!" muttered Gilmore.

"Well, give me the keys, Andy. I'll go along and get to bed, and I want you to forget this conversation—"

"Oh, I'll forget it all right, Marsh—but you won't after you come to your senses!" he added under his breath.

"Give me the keys—thanks. Good night, Andy! I'll see you in the morning."

He reeled uncertainly down the path, cursing his treacherous footing as he went. At the gate he paused and waved an unsteady farewell to the gambler, who stood on the porch staring after him.

CHAPTER SEVEN

THE BEAUTY OF ELIZABETH

His interview with Evelyn Langham left North with a sense of moral nausea, yet he felt he had somehow failed in his comprehension of her, that she had not meant him to understand her as he had; that, after all, perhaps the significance he had given to her words was of his own imagining.

He waited in his room until she should have time to be well on her way home, then hurried down-stairs. He was to dine at the Herberts' at seven o'clock, and as their place was but scant two miles from town, he determined to walk. He crossed the Square, only stopping to speak with the little lamplighter, and twenty minutes later Mount Hope, in the cold breath of the storm, had dwindled to a huddle of faint ghostly lights on the hillside and in the valley.

The Herbert home, a showy country-place in a region of farms, merited a name; but no one except Mrs. Herbert, who in the first flush of possession determined so to dignify it, had ever made use of the name she had chosen after much deliberation. General Herbert himself called it simply the farm, while

to the neighbors and the dwellers in Mount Hope it was known as the general's place, which perhaps sufficiently distinguished it; for its owner was still always spoken of as the general, though since the war he had been governor of his state.

Rather less than half a century before, Daniel Herbert, then a country urchin tending cattle on the hillside where now stood his turreted stone mansion, had decided that some day when he should be rich he would return and buy that hillside and the great reach of flat river-bottom that lay adjacent to it, and there build his home. His worldly goods at the time of this decision consisted of a pair of jeans trousers, a hickory shirt, and a battered straw hat. For years he had forgotten his boyish ambition. He had made his way in the world; he had won success in his profession, the law; he had won even greater distinction as a soldier in the Civil War; he had been a national figure in politics, and he had been governor of his state. And then had come the country-bred man's hunger for the soil. He had remembered that hillside where as a boy he had tended his father's herds.

He was not a rich man, but he had married a rich woman, and it was her money that bought the many acres and built the many-turreted mansion. Wishing, perhaps, to mark the impermanency of the life there and to give it a purely holiday aspect, Mrs. Herbert had christened the place Idle Hour; but the governor, beyond occasional participation in

92 THE JUST AND THE UNJUST

local politics, never again resumed those activities by which he had so distinguished himself. He wore top-boots and rode about the farm on an old gray horse, while his intimates were the neighboring farmers, with whom he talked crops and politics by the hour.

In pained surprise Mrs. Herbert, a woman of great ambition, had endured five years of this kind of life; with unspeakable bitterness of spirit she had seen the once potent name of Daniel Herbert disappear from the newspapers, and then she had died.

On her death the general became a rich and, in a way, a free man, for now he could, without the silent protest of his wife, recover the neglected lore of wood and field, and practise forgotten arts that had in his boyhood come under the elastic head of chores. Elizabeth, his daughter, had never shared her mother's ambitions. Perhaps because she had always had it she cared nothing for society. She was well content to ride about the farm with her father, whom she greatly admired, and at whose eccentricities she only smiled.

In this agreeable comradeship with his daughter, General Herbert had lived through the period of his bereavement with very tolerable comfort. He had rendered the dead the dead's due of regretful tenderness; but Elizabeth never asked him when he was going to make his reentry into politics; and she never reproached him with having wasted the very best years of his life in trying to make four hundred

acres of scientifically farmed land show a profit, a feat he had not yet accomplished.

Quitting the highway, North turned in at two stone pillars that marked the entrance to Idle Hour and walked rapidly up the maple-lined driveway to the great arched vestibule that gave to the house the appearance of a Norman-French château.

Answering the summons of the bell, a maid ushered him into the long drawing-room, and into the presence of the general and his daughter. The former received North with a perceptible shade of reserve. He knew more about the young man than he would have cared to tell his daughter, since he believed it would be better for her to make her own discoveries where North was concerned. He had not opposed his frequent visits to Idle Hour, for he felt that if Elizabeth was interested in the young fellow opposition would only strengthen it. Glancing at North as he greeted Elizabeth, the general admitted that whatever he might be, he was presentable, indeed good-looking, handsome. Why hadn't he done something other than make a mess of his life! He wondered, too, wishing to be quite fair, if North had not been the subject of a good deal of unmerited censure, if, after all, his idleness had not been the worst thing about him. He hoped this might be true. Still he regretted that Elizabeth should have allowed their boy and girl friendship—they had known each other always—to grow into a closer intimacy.

In the minds of these two men there was absolute

94 THE JUST AND THE UNJUST

accord on one point. Either would have said that Elizabeth Herbert's beauty was a supreme endowment, and more nearly perfect than the beauty of any other woman. She was slender, not tall, but poised and graceful with a distinction of bearing that added to her inches. Her hair was burnished copper and her coloring the tint of warm ivory with the sunlight showing through. North gazed at her as though he would store in his memory the vision of her loveliness. Then they walked out to the dining-room.

The dinner was rather a somber feast. North felt the restraint of the general's presence; he sensed his disfavor; and with added bitterness he realized that this was his last night in Mount Hope, that the morrow would find him speeding on his way West. He had given up everything for nothing, and now that a purpose, a hope, a great love had come to him, he must go from this place, the town of his birth, where he had become a bankrupt in both purse and reputation.

It was a relief when they returned to the drawing-room. There the general excused himself, and North and Elizabeth were left alone. She seated herself before the open fire of blazing hickory logs, whose light, and that of the shaded lamps, filled the long room with a soft radiance. She had never seemed so desirable to North as now when he was about to leave her. He stood silent, leaning against the corner of the chimneypiece, looking down on all her

THE BEAUTY OF ELIZABETH 95

springlike radiance. Usually he was neither preoccupied nor silent, but to-night he was both. The thought that he was seeing her for the last time—Ah, this was the price of all his folly! At length he spoke.

"I came to-night to say good-by, Elizabeth!"

She glanced up, startled.

"To say good-by?" she repeated.

He nodded gloomily.

"Do you mean that you are going to leave Mount Hope?" she asked slowly.

"Yes, to-night maybe."

Her glance no longer met his, but he was conscious that she had lost something of her serenity.

"Are you sorry, Elizabeth?" he ventured.

To pass mutely out of her life had suddenly seemed an impossibility, and his tenderness and yearning trembled in his voice. She answered obliquely, by asking:

"Must you go?"

"I want to get away from Mount Hope. I want to leave it all,—all but you, dear!" he said. "You haven't answered me, Elizabeth; will you care?"

"I am sorry," she said slowly, and the light in her gray-blue eyes darkened.

She heard the sigh that wasted itself on his lips.

"I am glad you can say that,—I wish you would look up!" he said wistfully.

"Are you going to-night?" she questioned.

"Yes, but I am coming back. I shan't find that

96 THE JUST AND THE UNJUST

you have forgotten me when I come, shall I, Elizabeth?"

She looked up quickly into his troubled face, and it was not the warm firelight that brought the rich color in a sudden flame to her cheeks.

"I shall not forget you."

There was a determined gentleness in her speech and manner that gave him courage.

"I haven't any right to talk to you in this way; I know I haven't, but—Oh, I want you, Elizabeth!" And all at once he was on his knees beside her, his arms about her. "Don't forget me, dear! I love you, I love you—I want you—Oh, I want you for my wife!"

The girl looked into the passionate face upturned to hers, and then her head drooped. And so they remained long; his dark head resting in her arms; her fair face against it.

"Why do you go, John?" she asked at length, out of the rich content of their silence.

"I haven't any choice, dear heart; there isn't any place for me here. I have thought it all over, and I know I am doing the wise thing,—I am quite sure of this! I shall write you of everything that concerns me!" he added hastily, as he heard the tread of the general's slippered feet in the hall.

North released her hands as the general entered the room. Elizabeth sank back in her chair. Her father glanced sharply at them, and North turned toward him frankly.

"I am leaving on the midnight train, General, and I must say good-by; I have to get a few things together for my trip!"

General Herbert glanced again at Elizabeth, but her face was averted and he learned nothing from its expression.

"So you are going away! Well, North, I hope you will have a pleasant trip,—better let me send you into town?"

And he reached for the bell-rope. North shook his head.

"I'll walk, thank you," he said briefly.

In silence he turned to Elizabeth and held out his hand. For an instant she rested hers in it, a cold little hand that trembled; their eyes met in a brief glance of perfect understanding, and then North turned from her. The general followed him into the hall.

"It's stopped snowing, and you will have clear starlight for your walk home,—the wind's gone down, too!" he said, as he opened the hall door.

"Don't come any farther, General Herbert!" said North.

But the general followed him into the stone arched vestibule.

"It's a fine night for your walk,—but you're quite sure you don't want to be driven into town?"

"No, no,—good night." And North held out his hand.

"Good night."

North went down the carriageway, and Herbert reentered the house.

North kept to the beaten path for a little while, then left it and tramped out across the fields until he came to a strip of woodland that grew along a stony hillside. He followed this ridge back a short distance and presently emerged upon a sloping meadow that overhung a narrow ravine. Not two hundred yards distant loomed Idle Hour, somber and dark and massive. He found a stump on the edge of the woods and brushed the snow from it, then drawing his overcoat closely about him, he sat down and lit his pipe.

The windows of Idle Hour still showed their many lights. At his feet a thread-like stream, swollen by the recent rains, splashed and murmured ceaselessly. He sat there a long time silent and absorbed, watching the lights, until at last they vanished from the drawing-room and the library. Then other lights appeared behind curtained windows on the second floor. These in their turn were extinguished, and Idle Hour sank deeper into the shadows as the crescent moon slipped behind the horizon.

'God bless her!' North said aloud.

He knocked the ashes from his pipe, and retraced his steps to the drive. He had but turned from this into the public road when he heard the clatter of wheels and the beat of hoofs, and a rapidly driven team swung around a bend in the road in

THE BEAUTY OF ELIZABETH 99

front of him. He stepped aside to let it pass, but the driver pulled up abreast of him with a loud command to his horses.

"Heard the news?" he asked, leaning out over the dash-board of his buggy.

"What news?" asked North.

"Ch, I guess you haven't heard!" said the stranger. "Well, old man McBride, the hardware merchant, is ~~dead~~! Murdered!"

"Murdered!" cried North.

"Yes, sir,—murdered! They found him in his store this evening a little after six. No one knows who did it. Well, good night, I thought maybe you'd like to know. Awful, ain't it?"

CHAPTER EIGHT

A GAMBLER AT HOME

IT was morning, and Mr. Gilmore sat by his cheerful open fire in that front room of his, where by night were supposed to flourish those games of chance which were such an offense to the "better element" in Mount Hope. Mr. Gilmore was hardly a person of "nexceptional taste, though he had no suspicion of this fact, since he counted that room quite all that any gentleman's parlor should be.

It was a large room furnished in dark velvet and heavy walnut. The red velvet curtains at the windows, when drawn at night, permitted no ray of light to escape; the carpet was a gorgeous Brussels affair, the like of which both as to cost and enduring splendor was not to be found elsewhere on any floor in Mount Hope. Seated as he then was, Gilmore could look, if so disposed, at the reflection of his own dark but not unhandsome face in a massive gilt-framed mirror that reached from chimneypiece to ceiling; or, glancing about the room, his eyes could dwell with genuine artistic pleasure on numerous copies in crayon of French figure-studies; nor were the like of these to be found elsewhere in Mount Hope.

Gilmore had quitted the McBride cottage some three hours before, and in the interim had breakfasted well and napped abstemiously. Presently he must repair to the court-house, where, it had already been intimated, the coroner might wish to confer with him.

Marshall Langham he had not seen. He had expected to find him still in his rooms, but the lawyer had left the key under the mat at the door, presumably at an early hour. Gilmore wondered idly if Langham had not made a point of getting away before he himself should arrive; he rather thought so, and he smiled with cheerful malevolence at his own reflection in the mirror.

Here his reveries were broken in on by the awkward shuffling of heavy feet in the hallway, and then some one knocked loudly on his door. Gilmore glanced hastily about to assure himself that the tell-tale paraphernalia of his craft were nowhere visible, and that the room was all he liked to fancy it—the parlor of a gentleman with sufficient income and quiet taste.

"Come in," he called at last, without quitting his chair.

The door slowly opened and the crown of a battered cap first appeared, then a long face streaked with coal-dust and grime and further decorated about the chin by a violently red stubble of several days' growth. With so much of himself showing, the new-comer paused on the threshold in apparent

102 THE JUST AND THE UNJUST

doubt as to whether he would be permitted to enter, or ordered to withdraw.

"Come in, Joe, and shut the door!" said Gilmore.

At his bidding the shoulders and trunk, and lastly the legs of a slouching shambling man of forty-eight or fifty entered the room.

Closing the door Joe Montgomery slipped off one patched and ragged cloth mitten and removed his battered cap.

"Well, what the devil do you want?" demanded Gilmore sharply.

Joe, shuffling and shambling, edged toward the grate.

"Boss, I want to drop a word with you!" he said in a husky voice. His glance did not quite meet Gilmore's, but the moment Gilmore shifted his gaze, that moment Joe's small, bright blue eyes sought the gambler's.

Gilmore and Joe Montgomery were distantly related, and while the latter never presumed on the score of this remote connection, the gambler himself tacitly admitted it by the help he now and then extended him, for Montgomery's means of subsistence were at the best precarious. If he had been called on to do so, he would have described himself as a handy-man, since he lived by the doing of odd jobs. He cleaned carpets in the spring; he cut lawns in the summer; in the fall he carried coal into the cellars of Mount Hope, and in the winter he shoveled the snow off Mount Hope's pave-

ments; and at all times and in all seasons, whether these industries flourished or languished, he drank.

He now established himself on Mr. Gilmore's hearth,—a necessity—for he bent his hulking body and stuck his curly red head well into the grate; then as he withdrew it, he passed the back of his hand across his discolored lips.

"Excuse me, boss, I had to!" he apologized.

In Mr. Gilmore's presence Joe inclined toward a humble decency, for he was vaguely aware that he was an unclean thing, and that only the mysterious bond of blood gave him this rich and powerful patron.

"Well, you old sot!" said Gilmore pleasantly. "You haven't drunk yourself to death since I saw you in McBride's last night?"

The handy-man gave him a wide toothless grin, and his bashful blue eyes shifted, shuttle-wise, in their sockets until he was able to survey in full the splendor of the apartment.

"Boss, you got a sure-enough well-dressed room; I never seen anything that could hold a candle to it,—it's a bird!" He stole a shy abashed glance at the pictures on the wall, but becoming aware that Gilmore was watching him, he dropped his eyes in some confusion. "I reckon them female pictures cost a fortune!" he said.

"They cost enough!" rejoined Gilmore, and again Montgomery ventured a covert glance in the direction of one of the works of art.

104 THE JUST AND THE UNJUST

"I reckon it was summer-time!" he hinted modestly.

Gilmore laughed.

"How would you like one of them?" he asked.

Montgomery gave him a swift glance of alarm.

"No, boss, I'm a respectable married man, and if I lugged one of them ladies home with me, my old woman wouldn't do a thing but raise hell! Boss, they're raw; yes, sir, that's it—they're raw!" Then fearing he had gone too far in an adverse criticism, he added, "Friends of yours, boss?"

"Not all of them!" said Gilmore, with lazy amusement.

"Catched unawares?" hinted Montgomery. But Gilmore changed the subject abruptly.

"Well, what did you come here for?" he demanded.

"I got a lot of things on my mind, boss! I been a-worryin' all morning and then I thinks of you. 'Mr. Gilmore's the man to go to,' I tells myself, and I quit my job and come here."

He stuck his head into the grate again, but this time without apology.

"I suppose you are in trouble?" said Gilmore, and his genial mood seemed to chill suddenly.

"You're right, boss, I'm in a heap of trouble!"

"Well, then, clear out of here!" said Gilmore.

"Hold on, boss, it ain't that kind of trouble!" interposed the handy-man hastily.

"What do you want?"

"Advice."

Gilmore leaned back in his easy-chair and crossed his legs.

"Go on!" he ordered briefly.

"A handy-man like me doin' all kinds of jobs for all kinds of people is sure to see some curious things, ain't he, boss?"

"Well?"

"I'm here to tell you what I seen, boss; and every word of it will be God A'mighty's truth!"

"It had better be!" rejoined Gilmore quietly, but with significant emphasis.

"I don't want no better friend than you been to me," said Montgomery in a sudden burst of grateful candor. "You've paid two fines for me, and you done what you could for me that time I was sent up, when old man Murphy said he found me in his hen-house."

Gilmore nodded.

"I was outrageous put upon! The judge appointed that fellow Moxlow to defend me! Say, it was a hell of a defense he put up, and I had a friend who was willin' to swear he'd seen me in the alley back of Mike Lonigan's saloon cleaning spittoons when old man Murphy said I was in his chicken house; Moxlow said he wouldn't touch my case except on its merits, and the only merit it had was that friend, ready and willin' to swear to anything!" Montgomery shrugged his great slanting shoulders. "He's too damn perpendicular!"

106 THE JUST AND THE UNJUST

"He is," agreed Gilmore. "But what's this got to do with what you saw?"

"Not a thing; but it makes me sweat blood whenever I think of the trick Moxlow served me,—it ain't as if I had no one but myself! I got a family, see? I can't afford to go to jail,—it ain't as if I was single!"

"Get back to your starting-point, Joe!" said Gilmore.

"Who do you think killed old man McBride, boss?"

"How should I know?"

"You ain't got any ideas about that?" asked Montgomery.

Gilmore shot him a swift glance.

"I don't know whether I have or not," he replied.
"I have, boss."

"You?" His tone betrayed neither eagerness nor interest.

"That's what fetches me here, boss!" Joe replied, sinking his voice to a whisper. "I got a damn good notion who killed old McBride; I could go out on the street and put my hand on the man who done it!"

"You mustn't come here with these pipe dreams of yours, Joe; you have been drunk and all this talk about the McBride murder's gone to your head!" retorted Gilmore contemptuously.

"I hope I may die if I ain't as sober as you this minute, boss!" returned the handy-man impressively.

"Well, what do you know—or think you know?" asked Gilmore with affected indifference.

"Boss, did I ever lie to you?" demanded Montgomery.

"If you did I never found you out."

"And why? You never had no chance to find me out; for the reason that I always tell you the almighty everlastin' truth!"

"Well?" prompted Mr. Gilmore.

"Boss," and again Montgomery dropped his voice to a confidential whisper, "boss, I seen a man climb over old man McBride's shed yesterday just before six. I seen him come up on top of the shed from the inside, look all around, slide down to the eaves . . . I drop into the alley, and then streak off as if all hell was after him!"

Gilmore's features were under such admirable control that they betrayed nothing of what was passing in his mind.

"Stuff!" he ejaculated at last, disdainfully.

"Yo' think I lie, boss?" cried Montgomery, in an intense whisper.

"You know best about that," said Gilmore quietly.

"He come so close to me I could feel his breath in my face! Boss, he was puffin' and pantin' and his breath burnt,—yes, sir, it burnt; and I heard him say, 'Oh, my God!' like that, 'Oh, my God!'"

"And where were you when this happened?" demanded Gilmore with sudden sternness.

Montgomery hesitated.

108 THE JUST AND THE UNJUST

"What's that got to do with it, boss?"

"A whole lot; come, out with it. Where were you to see and hear all this?"

"I was in White's woodshed," said Montgomery rather sullenly.

"Oh, ho, you were up to your old tricks!"

"He'll never miss it; I couldn't freeze to death; there's a livin' comin' to me," said the handy-man doggedly.

"You'll probably have a try for it back of iron bars!" said Gilmore.

But it was plain that Montgomery did not enjoy Mr. Gilmore's humor.

"White's coal house is right across the alley from old McBride's shed. You can go look, boss, if you don't believe me, and there's a small door opening out on to the alley, where the coal is put in."

"All the same you should keep out of people's coal houses, or one of these days you'll bring off more than you bargained for; say a load of shot."

"Maybe you'd like to know who I seen come over that roof?" said the handy-man impatiently.

"How many people have you told this yarn to already?" asked Gilmore, who seemed more anxious to discredit the handy-man in his own eyes than anything else.

"Not a living soul, boss; I guess I know enough to hang a man—"

"Pooh!" said Gilmore.

"You don't believe me?"

"Yes, I'll believe that you were stealin' White's coal."

"Leave me tell it to you just as it happened, boss," said Montgomery. "Then if you say I lie, I won't answer you back; we'll let it go at that."

Gilmore appeared to consider for a moment, his look of mingled indifference and contempt had quite passed away.

"I guess it sounds straight, Joe!" he said at length slowly.

"Why? Because it *is* straight, every damn word of it, boss."

And as if to give emphasis to his words the handyman swung out a grimy fist and dropped it into an equally grimy palm.

"What did you do after that?" asked Gilmore.

"Not much. I laid low and presently lifted my sack of coal out and ducked around to Lonigan's saloon. I went in there by the back door and left my sack leanin' against the building. Mike wanted his mail and he give me a drink of whisky if I'd take his keys and go to the post-office for him; I'd just come into the Square when I run into Shrimp who was tellin' how old man McBride was murdered. I went into the store and found you there with Colonel Harbison, you remember, boss?" Gilmore nodded and Montgomery continued. "I hadn't a chance to tell you what I'd seen, and all night long I kept hearin' him say it!"

"Say what, Joe?"

110 THE JUST AND THE UNJUST

"Say, 'Oh, my God!' like I told you, boss; I couldn't sleep for it,—I wonder if he slept!"

"Joe," said the gambler, "I'll tell you something that I have only told the sheriff. I was in Langham's office late yesterday and John North was there; he left to go to McBride's. Conklin's been looking for him this morning, but he can't find him, and no one seems to know what's become of him. Do you follow me?"

"What's North got to do with it, boss?"

"How do you know it wasn't North you saw in the alley?" urged Gilmore.

"It were not!" said Joe Montgomery positively.

"You saw the man's face?"

"As plain as I see yours!"

"And you know the man?"

"Yes."

"Then I'll tell you who you saw," said the gambler coolly; "it was Marshall Langham."

The handy-man swore a great oath.

"You've guessed it, boss! You've guessed it."

"It ain't a guess as it happens."

"Boss, do you mean to tell me you knew all along?" demanded Montgomery incredulously.

"Yes."

"But what about North?"

"That's his lookout, let him clear himself."

Joe, shambling and shuffling, took a turn about the room.

"Boss, if it was me that stood in his boots the hal-

ter would be as good as about my neck; they wouldn't give me no chance to clear myself,—they wouldn't let me! Them smart lawyers would twist and turn everything I said so that God A'mighty wouldn't know His own truth!"

"Well, you were in that alley, Joe; if you feel for him, I expect we could somehow shift it to you!" said Gilmore.

The handy-man slouched to the hearth again.

"None of that, boss!" he cried. "I've told you what took me there, so none of that!"

His voice shook with suppressed feeling, as he stood there scowling down on the gambler.

"Sit down, Joe!" said Mr. Gilmore, unruffled.

Reluctantly the handy-man sank into the chair indicated.

"Now you old sot," began the gambler, "you listen to me! I suppose if they could shift suspicion so that it would appear you had had something to do with the old man's murder, it would take Moxlow and the judge and any decent jury no time at all to hang you; for who would care a damn whether you were hanged or not! But you needn't worry, I'm going to manage this thing for you, I'm going to see that you don't get into trouble. Now, listen, you're to let well enough alone. North is already under suspicion apparently. All right, we'll help that suspicion along. If you have anything to tell, you'll say that the man who came over that shed looked like North!"

112 THE JUST AND THE UNJUST

"Boss, I won't say a word about the shed or the alley!"

"Oh, yes you will, Joe! The man looked like North,—you remember, at the time you thought he looked like North, and you thought you recognized his voice when he spoke, and you thought it was North's voice. He had on a black derby hat and a dark brown overcoat; don't forget that, Joe, for we are going to furnish young Mr. North with a bunch of worries."

The handy-man looked at him doubtfully, sullenly.

"I don't want to hang *him*, he's always treated *me* white enough, though I never liked him to hurt."

Gilmore laughed unpleasantly.

"Oh, there's no chance of that, your evidence won't hang him, but it will give him a whole lot to think about; and Langham's a pretty decent feilow; if you treat him right, he'll keep you drunk for the rest of your days; you'll own him body and soul."

"A ignorant man like me couldn't go up against a sharp lawyer like Marsh Langham! Do you know what'd happen to me? I'll tell you; I'd get so damned well fixed I'd never look at daylight except through jail windows; that's the trick I'd serve myself, boss."

"I'll take that off your hands," said Gilmore.

"And what do you get out of it, boss?" inquired the astute Mr. Montgomery.

"You'll have to put your trust in my benevolence, Joe!" said the gambler. "But I am willing to admit I want to see North put where he'll have every inducement to attend strictly to his own business!"

CHAPTER NINE

THE STAR WITNESS

IT was between nine and ten o'clock when Marshall Langham reached his office. He scarcely had time to remove his hat and overcoat when a policeman entered the room and handed him a note. It was a hasty scrawl from Moxlow who wished him to come at once to the court-house.

As Moxlow's messenger quitted the room Langham leaned against his desk with set lips and drawn face; this was but the beginning of the ordeal through which he must pass! Then slowly he resumed his hat and overcoat.

The prosecuting attorney's office was on the second floor of the court-house, at the back of the building, and its windows overlooked the court-house yard.

On the steps and in the long corridors, men stood about, discussing the murder. Langham pushed his way resolutely through these groups and mounted the stairs. Moxlow's door was locked, as he found when he tried to open it, but in response to his knock a bolt was drawn and a policeman swung open the door, closing it the instant Marshall had entered.

Langham glanced around. Doctor Taylor—the coroner—was seated before the desk; aside from this official Colonel Harbison, Andy Gilmore, Shrimplin, Moxlow, Mr. Allison, the mayor, Conklin, the sheriff, and two policemen were present.

"Thank you, that is all, Mr. Gilmore," the coroner had said as Langham entered the room.

He turned and motioned one of the policemen to place a chair for the prosecuting attorney beside his own at the desk.

"As you know, Mr. Moxlow," the coroner began, "these gentlemen, Mr. Shrimplin, Colonel Harbison and Mr. Gilmore, were the first to view the murdered man. Later I was summoned, and with the sheriff spent the greater part of the night in making an examination of the building. We found no clue. The murderer had gone without leaving any trace of his passing. It is probable he entered by the front door, which Mr. Shrimplin found open, and left by the side door, which was also open, but the crowd gathered so quickly both in the yard and in the street, that it has been useless to look for footprints in the freshly fallen snow. One point is quite clear, however, and that is the hour when the crime was committed. We can fix that almost to a certainty. The murderer did his work between half past five and six o'clock. Mr. Shrimplin has just informed us that the only person he saw on the Square, until he met Colonel Harbison, was John North, whom he encountered within a block of McBride's store and

116 THE JUST AND THE UNJUST

with whom he spoke. While Mr. Shrimplin stopped to speak with Mr. North the town bell rang the hour—six o'clock."

The coroner paused.

There was a moment's silence, then Marshall Langham made a half step forward. A sudden palsy had seized him, yet he was determined to speak; he felt that he must be heard, that he had something vital to say. An impulse he could not control compelled him to turn in the direction of Andy Gilmore, and for a brief instant his eyes fastened themselves on the gambler, who returned his gaze with a cynical smile, as though to say: "You haven't the nerve to do it." With the tip of his tongue Langham moistened his swollen lips. He was about to speak now, and Gilmore, losing his former air of bored indifference, leaned forward, eager to catch every word.

"I would like to say," he began in a tolerably steady voice, "that North left my office at half past four o'clock yesterday afternoon intending to see Mr. McBride; indeed, happening to glance from my window, I saw him enter the store. Before he left my office he had explained the business that was taking him to McBride's; we had discussed it at some length."

"What took him to McBride's?" demanded Doctor Taylor.

"He went there to raise money on some local gas company bonds which he owned. Mr. McBride had

agreed to buy them from him. I was able to tell North that I knew McBride could let him have the money in spite of the fact that it was a holiday and the banks were closed."

"How did you happen to know that, Langham?" asked Moxlow.

"Earlier in the day one of my clients had placed in McBride's hand a much larger sum of money than North expected to receive from him."

"You told North that?" asked Moxlow eagerly.

"I did. Perhaps you are not aware that McBride and North were on friendly terms; for years it had been North's habit to go to Mr. McBride whenever he had a sudden need of money. This I know to be a fact."

He glanced about him and could see that what he had said was making its impression on his hearers.

"When did you see McBride, at what hour?" asked Moxlow.

"A little before two."

"Do you feel at liberty to state the sum paid by your client?"

"It was three thousand and fifty-seven dollars, all in cash."

"There are one or two more questions I should like to ask you," said Moxlow. "You saw the money paid into Mr. McBride's hands before two o'clock yesterday afternoon?"

"Yes."

118 THE JUST AND THE UNJUST

"Do you know what disposition he made of the money?"

"No, I do not."

"I mean, did he put it in his safe—in his pocket—"

"He did neither in my presence, the bundle of bills was lying on his desk when I left."

"You were not interrupted while you were transacting this business, no customer happened into the store?" asked Moxlow.

"So far as I know, we three were absolutely alone in the building."

"Afterward, when North called at your office, you mentioned this transaction?"

"Yes."

"Do you know how many shares Mr. North expected to dispose of?"

"Five, I think."

Langham paused and glanced again in the direction of the gambler, but Gilmore seemed to have lost all interest in what was passing.

Moxlow turned to Conklin.

"You found no such sum as Mr. Langham mentions, either on the person of the dead man, or in the safe?"

"No, the safe doors were standing open; as far as I am able to judge, the valuable part of its contents had been removed," replied the sheriff.

"How about McBride himself?"

"We found nothing in his pockets."

"Of course, if he bought North's bonds, that would account for a part of the sum Mr. Langham has just told us of," said Moxlow. "But where are the bonds?" he added.

"They were not among McBride's papers, that's sure," said the sheriff.

"Probably they were taken also, though it's hardly conceivable that the murderer waited to sort over the papers in the safe. I tell you, gentlemen, his position was a ticklish one." It was the coroner who spoke.

"It would seem a very desirable thing to communicate with North," suggested Moxlow.

"I guess you are right; yes, I guess we had better try and find Mr. North," said the coroner. "Suppose you go after him, Mr. Conklin. Don't send—go yourself," he added.

Again Langham dragged himself forward; the coils of this hideous thing seemed to be tightening themselves about John North. Langham's face still bore traces of his recent debauch, and during the last few minutes a look of horror had slowly gathered in his bloodshot eyes. He now studiously avoided Gilmore's glance, though he was painfully aware of his presence. The gambler coolly puffed at a cigar as he leaned against the casing of the long window at Doctor Taylor's back; there was the faint shadow of a smile on his lips as he watched Langham furtively.

"I doubt if North will be found," said the latter.

120 THE JUST AND THE UNJUST

"I doubt if he is in Mount Hope," he continued haltingly.

"What?" It was Moxlow who spoke.

"This morning I received a brief communication from him; it was written late last night; he informed me that he should leave for the West on the Chicago express. He inclosed the keys to his rooms."

Marshall Langham glanced at Gilmore, who seemed deeply absorbed. The coroner fidgeted in his seat; dismay and unspeakable surprise were plainly stamped on Colonel Harbison's face; Moxlow appeared quite nonplussed by what his partner had last said.

"I was aware that he contemplated this trip West," said Langham quickly. "He had asked me to dispose of the contents of his rooms when he should be gone."

"Did he tell you where he was going, Marshall?" asked Moxlow.

Langham raised his bloodshot eyes.

"No; he seemed in some doubt as to his plans."

"For how long a time have you known of Mr. North's intention to leave Mount Hope?" asked Moxlow.

"Only since yesterday, but I have known for quite a while that he planned some radical move of this sort. I think he had grown rather tired of Mount Hope."

"Isn't it true that his money was about gone?" questioned Moxlow significantly.

"I know nothing of his private affairs," answered Langham hastily. "He has never seemed to lack money; he has always had it to spend freely."

"It would appear that Mr. North is our star witness, what do you think, gentlemen?" and Moxlow glanced from one to another of the little group that surrounded him.

"At any rate he is a most *important* witness," emphasized the coroner.

"North took the Chicago express as he had planned," said Gilmore quietly. "The bus driver for the United States Hotel, where I breakfasted, told me that he saw him at the depot last night."

"I think we'd better wire North's description to the Chicago police; I see no other way to reach him." As he spoke, Moxlow turned to the sheriff. "You get ready to start West, Mr. Conklin. And don't let there be any hitch about it, either."

CHAPTER TEN

HUSBAND AND WIFE

MARSHALL LANGHAM paused on the court-house steps; he was shaking as with an ague. He passed a tremulous hand again and again across his eyes, as though to shut out something, a memory—a fantasy he wanted to forget; but he well knew that at no time could he forget. Gilmore, coming from the building, stepped to his side.

"Well, Marsh, what do you think?" he said.

"What do I think?" the lawyer repeated dully.

"Doesn't it seem to you that Jack North has been rather unlucky in his movements?"

"Oh, they make me tired!" cried Langham, with sudden passion.

Gilmore stared at him, coldly critical. The lawyer moved away.

"Going to your office, Marsh?" the gambler asked.

"No, I'm going home," Langham said shortly, and went down the steps into the street.

Home—until he could pull up and get control of himself, that was the best place for him!

He turned into the Square, and from the Square into High Street, and ten minutes later paused be-

fore his own door. After a brief instant of irresolution he entered the house. Evelyn was probably down-town at that hour, on one of the many errands she was always making for herself.

Without removing his hat or overcoat he dropped into a chair before the library fire. A devastating weariness possessed him, but he knew he could not hide there in his home. To-day he might, to-morrow even, but the time would come when he must go out and face the world, must listen to the endless speculation concerning Mount Hope's one great sensation, the McBride murder. Five minutes passed while he sat lost in thought, then he quitted his chair and went to a small cabinet at the other side of the room, which he unlocked; from it he took a glass and a bottle. With these he returned to his place before the fire and poured himself a stiff drink.

"I was mad!" he said with quivering lips. "Mad!" he repeated, and again he passed his shaking hand across his eyes. Once more he filled his glass and emptied it, for the potent stuff gave him a certain kind of courage. Placing the bottle and glass on the table at his elbow, he resumed his seat.

The bottle was almost empty when, half an hour later, he heard the house door open and close. It was Evelyn. Presently she came into the room, still dressed as if for the street.

"Why, what's the matter, Marsh?" she asked in surprise.

"Matter? Nothing," he said shortly.

124 THE JUST AND THE UNJUST

She glanced at the bottle and then at her husband.
"Aren't you well?" she demanded.

"I'm all right."

"I hope you aren't going to start that now!" and she nodded toward the bottle.

He made an impatient gesture.

"Marshall, I am going to speak to the judge; perhaps if he knew he could do or say something; I am not going to bear this burden alone any longer!"

"Oh, what's the use of beginning that; can't you see I'm done up?" he said petulantly.

"I don't wonder; the way you live is enough to do any one up, as you call it; it's intolerable!" she cried.

"What does it matter to you?"

"It makes a brute of you; it's killing you!"

"The sooner the better," he said.

"For you, perhaps; but what about me?"

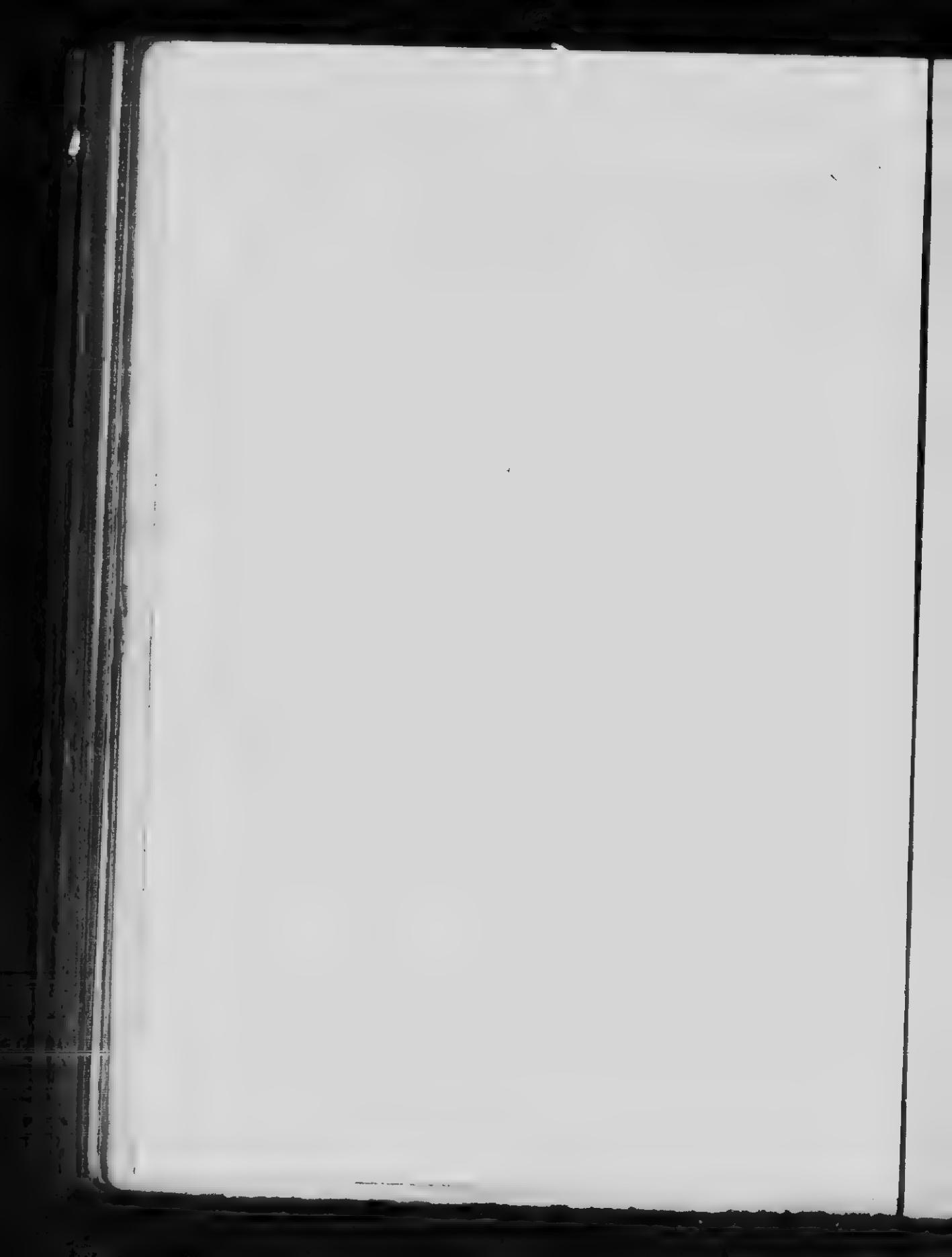
"Don't you ever think of any one but yourself?" he sneered.

"Is that the way it impresses you?" she asked coldly.

She slipped into the chair opposite him and began slowly to draw off her gloves. Langham was silent for a minute or two; he gazed intently at her and by degrees the hard steely glitter faded from his heavy bloodshot eyes. Fascinated, his glance dwelt upon her; nothing of her fresh beauty was lost on him; the smooth curve of her soft white throat, the alluring charm of her warm sensuous lips, the tiny dimple that came and went when she smiled, the graceful



"Why, what's the matter, Marsh?"



pliant lines of her figure, the rare poise of her small head—his glance observed all. For better or for worse he loved her with whatever of the man there was in him; he might hate her in some sudden burst of fierce anger because of her shallowness, her greed, her utter selfishness; but he loved her always, he could never be wholly free from the spell her beauty had cast over him.

"Look here, Evelyn," he said at last. "What's the use of going on in this way, why can't we get back to some decent understanding?" He was hungry for tenderness from her; acute physical fear was holding him in its grip. He leaned back in his chair and found support for his head. "You're right," he went on, "I can't stand this racket much longer—this work worry, we are living beyond our means; we'll have to slow up, get down to a more sane basis." The words came from his blue lips in jerky disjointed sentences. "What's the use, it's too much of a struggle! I do a thousand things I don't want to do, shady things in my practice, things no reputable lawyer should stoop to, and all to make a few dollars to throw away. I tell you, I am sick of it! Why can't we be as other people, reasonable and patient—that's the thing, to be patient, and just bide our time. We can't live like millionaires on my income, what's the use of trying—I tell you we are fools!"

"Are matters so desperate with us?" Evelyn asked. "And is it all my fault?"

"I can't do anything to pull up unless you help me," Langham said.

"Well, are matters so desperate?" she repeated. He did not answer her at once.

"Bad enough," he replied at length and was silent.

A sense of terrible loneliness swept over him; a loneliness peopled with shadows, in which he was the only living thing, but the shadows were infinitely more real than he himself. He had the brute instinct to hide, and the human instinct to share his fear. He poured himself a drink. Evelyn watched him with compressed lips as he drained the glass. He drew himself up out of the depths of his chair and began to tramp the floor; words leaped to his lips but he pressed them back; he was aware that only the most intangible barriers held between them; an impulse that grew in his throbbing brain seemed driving him forward to destroy these barriers; to stand before her as he was; to emerge from his mental solitude and claim her companionship. What was marriage made for, if not for this?

"Look here," he said, wheeling on her suddenly. "Do you still love me; do you still care as you once did?" He seized one of her hands in his.

"You hurt me, Marsh!" she said, drawing away from him.

He dropped her hand and with a smothered oath turned from her.

"You women don't know what love is!" he snarled. "Talk about a woman giving up; talk about

her sacrifices—it's nothing to what a man does, where he loves!"

"What does *he* do that is so wonderful, Marsh?" she asked coldly.

He paused and regarded her with a wolfish glare.

"It's no damned anemic passion!" he burst out.

"Thank you," she mocked. "Really, Marsh, you are outdoing yourself!"

"You have never let me see into your heart,—never once!"

"Perhaps it's just as well I haven't; perhaps it is a forbearance for which you should be only grateful," she jeered.

"If you were the sort of woman I once thought you, I'd want to hide nothing from you; but a woman—she's secretive and petty, she always keeps her secrets; the million little things she won't tell, the little secrets that mean so much to her—and a man wastes his life in loving such a woman, and is bitter when he finds he's given all for nothing!"

His heavy tramping went on.

"Is that the way you feel about it?" she asked.

"Yes!" he cried. "I'm infinitely more lonely than when I married you! Look here; I came to you, and in six months' time you knew a thousand things you had no right to know, unless you, too, were willing to come as close! But I'm *damned* if I know the first thing about you—sometimes you are one thing, sometimes another. I never know where to find you!"

128 THE JUST AND THE UNJUST

"And I am to blame that we are unhappy? Of course you live in a way to make any woman perfectly happy—you are never at fault there!"

"You never really loved me!"

"Didn't I?" she sighed with vague emotion.

"No."

"Then why did I marry you, Marsh?"

"Heaven knows—I don't!"

"Then why did you marry *me*?" She gave him a fleeting smile.

"Because I loved you—because you had crept into my heart with your pretty ways, your charm, and the fascination of you. I hadn't any thought but you; you seemed all of my life, and I was going to do such great things for you. By God, I was going to amount to something for your sake! I was going to make you a proud and happy woman, but you wouldn't have it! You never got past the trivial things; the annoyances, the need of money, the little self-denials, the little inconveniences; you stopped there and dragged me back when I wanted to go on; you wouldn't have it, you couldn't or wouldn't understand my hopes—my ambitions!"

"Marsh, I was only a girl!" she said.

He put out his hand toward the bottle.

"Don't, Marsh!" she entreated.

He turned away and fell to pacing the floor again.

"What happiness do we get out of life, what good? We go on from day to day living a life that

is perfectly intolerable to us both; what's the use of it—I wonder we stand it!"

"I have sometimes wondered that, too," Evelyn half whispered.

"You had it in your power to make our life different, but you wouldn't take the trouble; and see where we have drifted; you don't trust me and I don't trust you—" She started. "What sort of a basis is that for a man and wife, for our life together?"

"It's what we—what you have made it!" she answered.

"No, it isn't; it's what *you* have made it! I tell you, you were bored to death; you wanted noise and world! Remember how I used to come home from the office every night, and begrudged the moments when any one called? I wanted only you; I talked over my cases with you, my hopes and my ambitions; but you mighty soon got sick of that—you yawned, you were sleepy, and you wanted to go about; you thought it was silly staying cooped up like that, and seeing no one, going nowhere! It was stupid for you, you were bored to death, you wanted noise and excitement, to spend money, to see and be seen,—as if that game was worth the candle in a God-forsaken hole of a place like Mount Hope! You killed my ambition then and there; I saw it was no use. You wanted the results, but you wouldn't pay the price in self-denial and patience, and so we rushed into

debt and it's been a scramble ever since! I've begged and borrowed and cheated to keep afloat!"

"And I was the cause of it all?" she demanded with lazy scorn of him.

"There was a time when I stood a chance of doing something, but I've fooled my opportunities away!"

"What of the promises you made me when we were married—what about them?" she asked.

"You created conditions in which I could not keep them!" he said.

"I seem to have been wholly at fault; at least from your point of view; but don't you suppose there is something I could say? Do you suppose I sit here silent because I am convinced that it is all my fault?"

He did not answer her at once but continued to pace the floor; at length he jerked out:

"No, I was at fault too. I've a nasty temper. I should have had more patience with you, Evelyn—but it was so hard to deny you anything you wanted that I could possibly give you—I'd have laid the whole world at your feet if I could!"

"I believe you would, Marsh—then!" she said.

"It's a pity you didn't understand me," he answered indifferently.

Nothing he could say led in the direction he would have had it lead, for he wanted her to realize her part in what had happened, to know that the burden beneath which he had gone down was in a measure the work of her hands. His instinct was as primitive as a child's fear of the dark; he must es-

cape from the horror of his isolation; his secret was made doubly terrifying because he knew he dared not share it with any living creature. Yet his mind played strange tricks with him; he was ready to risk much that he might learn what part of the truth he could tell her; he was even ready to risk all in a dumb brute impulse to gather up the remnants of his strength of heart and brain, and be the center of some widespread catastrophe; to put his fear in her soul just as it was in his own. How was she ever to comprehend the horror that held him in its cruel grasp, the thousand subtle shades of thought and feeling that had led up to this thing, from the memory of which he revolted! He turned his bloodshot eyes upon her, something of the old light was there along with the new; he had indeed loved her, but the fruit of this love had been rotten. He was silent, and again his heavy tread resounded in the room as he dragged himself back and forth.

The force in him was stirring her. Sensation of any sort had always made its strong appeal to her. Without knowing what was passing in his mind she yet understood that it was some powerful emotion, and her pliant nerves responded. For the moment she forgot that she no longer loved him. She rose and went to his side.

"Is it all my fault, Marsh?" she said.

"What is your fault?" he asked, pausing.

"That we are so unhappy; am I the only one at fault there?"

132 THE JUST AND THE UNJUST

He looked down into her face relentlessly.

"I don't know—I swear I don't know!" he said hoarsely.

"What is it, Marsh—why are you so unhappy? Just because you love me? What an unkind thing to say!"

He turned to the table to pour himself a drink, but she caught his hand.

"For my sake, Marsh!" she entreated.

Again he looked down into her eyes.

"For my sake," she repeated softly.

"By God, I'll never touch another drop!" he said.

"Oh, you make me so happy!" she exclaimed.

He crushed her in his arms until his muscles were tense. She did not struggle for release, but abandoned herself without a word to the emotion of the moment. Her head thrown back, her cheeks pale, her full lips smiling, she gazed up into his face with eyes burning with sudden fire.

"How I love you!" he whispered.

She slipped her arms about his neck with a little cry of ecstasy.

"Oh, Marsh, I have been foolish, too, but this is the place for me—my place—against your very heart!" she said softly.

For a long minute Langham held her so, and then tortured by sudden memory he came back sharply to the actualities. His arms dropped from about her.

"What is it, dear?" she asked.

She was not yet ready to pass from the passion of that moment.

"It's too late—" he muttered brokenly.

"No, dear, it's not too late, we have only been a little foolish. Of course we can go back; of course we can begin all over, and we know now what to avoid; that was it, we didn't know before, we were ignorant of ourselves—of each other. Why, don't you see, we are only just beginning to live, dear—you must have faith!" and again her arms encircled him.

"But you don't know—" he stammered.

"Don't know what, dear?"

He dropped into his chair, and she sank on her knees at his side. A horrible black abyss into which he was falling, seemed to open at his feet. Her hands were the only ones that could draw him back and save him.

"Don't know what?" she repeated.

The mystery of his man's nature, with its mingled strength and weakness, was something she could not resist.

"Does it ever do any good to pray, I wonder?" he gasped.

"I wonder, too!" she echoed breathlessly.

He laughed.

"What rot I'm talking!" he said.

"What is it that is wrong, Marsh?"

"Nothing—nothing—I can't tell you—"

"You can tell me anything, I would always under-

stand—always, dear. Prove to me that our love is everything; take me back into your confidence!"

"No," he gasped hoarsely. "I can't tell you—you'd hate me if I did; you'd never forget—you couldn't!"

She turned her eyes on him in breathless inquiry.

"I would—I promise you now! Marsh, I promise you, can't you believe—?"

He shook his head and gazed somberly into her eyes. She rested her cheek against the back of his hand where it lay on the arm of his chair. There was a long silence.

"But what is it, Marsh? What has happened?"

"Nothing's happened," he said at last. "I'm a bit worried, that's all, about myself—my debts—my extravagance; isn't that enough to upset me? Every one's crowding me!"

There was another long pause. Evelyn sighed softly; she felt that they were coming back too swiftly to the every-day concerns of life.

"I'm worried, too, about North!" Langham said presently.

"About North—what about North?"

"They are going to bring him back; didn't you know he had gone West? He went last night."

"But *who* is going to bring him back?"

"They want him as a witness in the McBride case. They—Moxlow, that is—seems to think he knows something that may be of importance. He's a crazy fool, with his notions!"

"But North—" Evelyn began.

"It may make a lot of trouble for him. They are going to bring him back as a witness, and unless he gives a pretty good account of himself, Moxlow's scheme is to try and hold him—"

"What do you mean by a good account of himself?"

"He'll have to be able to tell just where he was between half past five and six o'clock last night; that's when the murder was committed, according to Taylor."

"Do you mean he's suspected, Marsh? But he couldn't have done it!" she cried.

"How do you know?" he asked quickly.

"Why, I was there—"

"Where?"

"With him—"

"Here—was he here?" A great load seemed lifted from him.

She was silent.

"He was here between five and six?" he repeated. He glanced at her sharply. "Why don't you answer me?"

"No, he was not here," she said slowly.

"Where was he, then?" he demanded. "What's the secret, anyhow?"

"Marsh, I'm going to tell you something," she said slowly. "Nothing shall stand between our perfect understanding, our perfect trust for the future. You know I have been none too happy for the last

year—I don't reproach you—but we had gotten very far apart somehow. I've never been really bad—I've been your true and faithful wife, dear, always—always, but—you had made me very unhappy—" She felt him shiver. "And I am not a very wise or settled person—and we haven't any children to keep me steady—"

"Thank God!" the man muttered hoarsely under his breath.

"What do you say?" she asked.

"Nothing—go on; what is it you want to tell me?"

"Something—and then perhaps you will trust me more fully with the things that are oppressing you. I believe you love me, I believe it absolutely—" she paused.

The light died out of his eyes.

"Marsh," she began again. "Could you forgive me if you knew that I'd thought I cared for some one else? Could you, if I told you that for a moment I had the thought—the silly thought, that I cared for another man?" She was conscious that his hand had grown cold beneath her cheek. "It was just a foolish fancy, quite as innocent as it was foolish, dear; you left me so much alone, and I thought you really didn't care for me any more, and so—and so—"

"Go on!"

"Well, that is all, Marsh."

"All?"

"Yes, it went no further than that, just a silly fancy, and I'd known him all my life—"

"Of whom are you speaking?"

"Of John North—"

"Damn him!" he cried. "And so that's what brought him here—and you were with him last night!" He sprang to his feet, his face livid. "What do you take me for? Do you expect me to forgive you for that—"

"But Marsh, it was just a silly sentimental fancy! Oh, why did I tell you!"

"Yes, why *did* you tell me!" he stormed.

"Because I thought it would make it easier for you to confess to *me*—"

"Confess to you? I've nothing to confess—I've loved you honestly! Did you think I'd been carrying on some nasty sneaking intrigue with a friend's wife—did you think I was that sort of a fellow—the sort of a fellow North is? Do you take me for a common blackguard?"

"Marsh, don't! Marshall, please—for my sake—" and she clung to him, but he cast her off roughly.

"Keep away from me!" he said with sullen repression, but there was a murderous light in his eyes. "Don't touch me!" he warned.

"But say you forgive me!"

"Forgive you—" He laughed.

"Yes, forgive me—Marsh!"

"Forgive you—no, by God!"

138 THE JUST AND THE UNJUST

He reached for the bottle.

"Not that—not that, Marsh; your promise only
a moment ago—your promise, Marsh!"

But he poured himself half a tumbler of whisky
and emptied it at a swallow.

"To hell with my promise!" he said, and strode
from the room.

CHAPTER ELEVEN

THE FINGER OF SUSPICION

IN Chicago Conklin found an angry young man at police headquarters, and the name of this young man was John North.

"This is a most damnable outrage!" he cried hotly the moment he espied Mount Hope's burly sheriff.

"I am mighty sorry to have interfered with your plans, John—just mighty sorry." The sheriff's tone was meant to soothe and conciliate. "But you see we are counting on you to throw some light on the McBride murder."

"So that's it! I tell you, Conklin, I consider that I have been treated with utter courtesy; I've been a virtual prisoner here over night!"

"That's too bad, John," said the sheriff sympathetically, "but we didn't know where a wire would reach you, so there didn't seem any other way than this—"

"Well, what do you want with me?" demanded North, with rather less heat than had marked his previous speech.

"They got the idea back home that you can help in the McBride matter," explained the sheriff again. "I see that you know he's been murdered."

140 THE JUST AND THE UNJUST

"Yes, I knew that before I left Mount Hope," rejoined North.

"Did you, though?" said the sheriff briefly, and this admission of North's appeared to furnish him with food for reflection.

"Well, what do I know that will be of use to you?" asked North impatiently.

"You ain't to make any statement to me, John," returned the sheriff hastily.

"Do you mean you expect me to go back to Mount Hope?" inquired North in a tone of mingled wonder and exasperation.

The sheriff nodded.

"That's the idea, John," he said placidly.

"What if I refuse to go back?"

The sheriff looked pained.

"Oh, you won't do that—what's the use?"

"Do you mean—" began North savagely, but Conklin interposed.

"Never mind what I mean, that's a good fellow; say you'll take the next train back with me; it will save a lot of bother!"

"But I strongly object to return to Mount Hope!" said North.

"Be reasonable—" urged the sheriff.

"This is an infernal outrage!" cried North.

"I'm sorry, John, but make it easy for me, make it easy for yourself; we'll have a nice friendly trip and you will be back here by the first of the week."

For a moment North hesitated. He had so many

THE FINGER OF SUSPICION 141

excellent reasons why he did not wish to return to Mount Hope, but he knew that there was something back of Mr. Conklin's mild eye and yet milder speech.

"Well, John?" prompted the sheriff encouragingly.

"I suppose I'll go with you," said North grudgingly.

"Of course you will," agreed the sheriff.

He had never entertained any doubts on this point.

It was ten o'clock Saturday morning when North and the sheriff left the east-bound express at Mount Hope and climbed into the bus that was waiting for them.

North's annoyance had given place to a certain humorous appreciation of the situation. His plans had gone far astray in the past forty-eight hours, and here he was back in Mount Hope. Decidedly his return, in the light of his parting with Elizabeth, was somewhat in the nature of an anticlimax.

They were driven at once to the court-house. There in his office they found Moxlow with the coroner and North was instantly aware of restraint in the manner of each as they greeted him, for which he could not account.

"Sit down, North," said Moxlow, indicating a chair.

"Now what is it?" North spoke pleasantly as he took his seat. "I've been cursing you two all the way home from Chicago."

142 THE JUST AND THE UNJUST

"I am sorry you were subjected to any annoyance in the matter, but it couldn't be helped," said Moxlow.

"I'm getting over my temper," replied North. "Fire away with your questions!"

The prosecuting attorney glanced at his fellow official.

"You are already acquainted with the particulars of the shocking tragedy that has occurred here?" said Taylor with ponderous dignity.

"Yes," said North soberly. "And when I think of it, I am more than willing to help you in your search for the guilty man."

"You knew of the murder before you left town?" remarked Moxlow casually.

"Yes."

"But you weren't on the Square or in the store Thanksgiving night?" said Moxlow.

"No, I dined with General Herbert." The prosecuting attorney elevated his eyebrows. "I must have been on my way there when the crime was discovered; I was returning home perhaps a little after eleven when I met a man who stopped me to tell me of the murder—"

"You were with Mr. McBride Thanksgiving afternoon, were you not?" Moxlow now asked.

"Yes."

"What was the hour, can you state?"

"About half past four, I should say; certainly no later than that. I went there on a matter of busi-

ness to dispose of some bonds Mr. McBride had
agreed to take off my hands; I was with him, maybe
twenty minutes."

"What were those bonds?"

"Local gas bonds."

"How many were there in the lot you sold?"

"Five."

"He paid you the money for them?"

"Yes, a thousand dollars."

"Do you know, we haven't unearthed those bonds
yet?" said the doctor.

Moxlow frowned slightly.

"I suppose they were taken," said North.

"But it will be a dangerous thing to attempt to
realize on them," snapped Moxlow.

"Decidedly," agreed North.

"You left McBride's store at, say, five o'clock?"
said Moxlow.

"Not later than that—see here, Moxlow, what are
you driving at?" demanded North, with some show
of temper.

For an instant Moxlow hesitated, then he said:

"The truth is, North, there is not a clue to go on,
and we are thrashing this thing over in the hope
that we may sooner or later hit on something that
will be of service to us."

"Oh, all right," said North, with a return of good
nature.

"During your interview with McBride you were
not interrupted, no one came into the store?"

144 THE JUST AND THE UNJUST

"No one; we were alone the entire time."

"And you saw no one hanging about the place as you left it?"

"Not that I can remember; if I did it made no impression on me."

"But didn't you see Shrimplin?" asked Moxlow quickly.

"Oh, come, Moxlow, you can't play the sleuth,— that was afterward, you know it was!"

"Afterward—"

"Yes, just as I was starting for the general's place, fully an hour later."

"In the meantime you had been where—"

"From McBride's store I went to my rooms. I remained there until it was time to start for the Herberts', and as I intended to walk out I started earlier than I otherwise should have done."

"Then you were coming from your rooms when you met Shrimplin?"

"Yes, it was just six o'clock when I stopped to speak to him."

"Shrimplin was the only person you met as you crossed the Square?"

"As far as I can remember now, I saw no one but Shrimp."

"And just where did you meet him, North?" asked Moxlow.

"On the corner, near McBride's store."

"Do you know whether he had just driven into the Square or not?"

"No, I don't know that; it was snowing hard and I came upon him suddenly."

"You continued on your way out of town after speaking with him, North?"

"Yes."

"And later, at eleven o'clock, as you were returning to town you met a stranger, probably a countryman, you say, who told you that McBride had been murdered?"

"Yes, you have that all straight."

"On your return to town you went where?"

"To my rooms again and finished packing."

"Did that take you two hours?"

"No, but I had a lot of things to see to there."

"What?" asked Moxlow.

"Oh, papers to destroy, and things of that sort that kept me pretty busy until train-time."

"You walked to the depot?"

"Yes, I was too late for the hotel bus; in fact, I barely caught the train. I just had time to jump aboard as it pulled out."

"Excuse me a moment, North!" said Moxlow as he rose from his chair.

He quitted the room and North heard him pass down the hall.

"It's a bad business," said Taylor.

"And you haven't a suspicion as to the guilty man?"

"No, as Moxlow says, we haven't a clue to go on. It's incredible though, isn't it, that a crime like that

146 THE JUST AND THE UNJUST

could have been committed here almost in broad daylight, and its perpetrator get away without leaving a trace behind?"

"It is incredible," agreed North, and they lapsed into silence.

North thought of Elizabeth. He would slip out to Idle Hour that afternoon or evening; he couldn't leave Mount Hope without seeing her. The coroner drummed on his desk; he wondered what had taken Moxlow from the room in such haste. The prosecuting attorney's brisk step sounded in the hall again, and he reentered the room and resumed his chair.

"Just one or two more questions, North, and then I guess we'll have to let you go," he said. "You have been on very friendly terms with the murdered man for some time, have you not?"

"He was very kind to me on numerous occasions."

"In a business way, perhaps?"

"Largely in a business way, yea."

"It—pardon me—usually had to do with raising money, had it not?"

North laughed.

"It had."

"You were familiar with certain little peculiarities of his, were you not, his mistrust of banks for instance?"

"Yes, he had very little confidence in banks, judging from what he said of them."

"Did he ever tell you that he had large sums of money hidden away about the store?"

THE FINGER OF SUSPICION 147

"Never."

"But always when you had business dealings with him he gave you the ready money, very rarely a check?"

"Never in all my experience a check, always the cash."

"Yet the sums involved were usually considerable?"

"In one or two instances they reached a thousand dollars, if you call that considerable."

"And he always had the money on hand?"

"Well, I can't quite say that; it always involved a preliminary discussion of the transaction; I had to see him and tell him what I wanted and then go again after the money. It was as if he wished me to think he did not keep any large sum about him at the store."

"Did he ever, in talking with you, express any apprehension of robbery or violence?"

"No, never."

"You had spoken to him about those bonds before?"

"Yes, Monday I saw him and asked him if he would take them off my hands."

"And he gave you to understand that if you would wait a day or two he would buy the bonds."

North nodded.

"Hadn't you learned prior to going to the store that McBride had just received three thousand dollars in cash from Atkinson?"

148 THE JUST AND THE UNJUST

"Yes, I knew that,—Langham told me."

"So that it is reasonable to suppose that McBride had at least four thousand dollars in his safe Thursday afternoon."

"I suppose it is, but I saw only the thousand he paid me for the bonds."

"That came from the safe?"

"Yes."

"I guess that's all for the present, North."

"Do you mean you shall want to see me again?" asked North, rising.

"Yes, you won't leave town to-day; the inquest is to be held this afternoon, you will probably be wanted then, so hold yourself in readiness."

"I hope you will arrange to get through with me as soon as possible, Moxlow!"

"We won't put you to any unnecessary inconvenience if we can help it," returned Moxlow, with a queer cold smile.

"Thank you," said North and quitted the room.

He sauntered out into the street; he was disposed to consider Mr. Moxlow as something of a fool, as a rank amateur in the present crisis. He turned into the Square and halted for an instant before the dingy store that had been the scene of the recent tragedy. People on the street paused when they had passed and turned to stare after him, but North was unaware of this, as he was unaware that his name had come to be the one most frequently mentioned in connection with the McBride murder. Suddenly

THE FINGER OF SUSPICION 149

he quickened his step; just ahead of him was Marshall Langham.

"Hello, Marsh!" he said, and stepped eagerly forward with extended hand.

The lawyer paused irresolutely and turned on him a bloated face, but there was no welcome in the sullen glance.

"Marsh—"

Langham's lips twitched and an angry murmur came from them, but the words were indistinct.

"What's wrong?" asked North, falling back a step in astonishment.

"Yes, what's wrong!" said Langham in a hoarse whisper. "Hell! You have nerve to stick out your hand to me—you have bigger nerve to ask me that, —get out of my way!" and he pushed past North and strode down the street without a single backward glance.

CHAPTER TWELVE

JOE TELLS HIS STORY

THE inquest was held late Saturday afternoon in the bleak living-room of the McBride house. The coroner had explained the manner in which the murdered man had come to his death, and as he finished he turned to Moxlow. The prosecuting attorney shifted his position slightly, thrust out his long legs toward the wood-stove, and buried his hands deep in his trousers pockets, then he addressed the jury.

They were there, he told them, to listen to certain facts that bore on the death of Archibald McBride. If, after hearing these facts, they could say they pointed to any person or persons as being implicated in the murder, they were to name the person or persons, and he would see that they were brought before the grand jury for indictment. They were to bear in mind, however, that no one was on trial, and that no one was accused of the crime about to be investigated, yet they must not forget that a cold-blooded murder had been committed; human hands had raised the weapon that had crushed out the life of the old merchant, human intelligence had made

choice of the day and hour and moment for that brutal deed; the possibility of escape had been nicely calculated, nothing had been left to chance. He would venture the assertion that if the murderer were ever found he would prove to be no ordinary criminal.

All this Moxlow said with judicial deliberation and with the lawyer's careful qualifying of word and phrase.

Shrimplin was the first witness. He described in his own fashion the finding of Archibald McBride's body. Then a few skilful questions by Moxlow brought out the fact of his having met John North on the Square immediately before his own gruesome discovery. The little lamplighter was excused, and Colonel Harbison took his place. He, in his turn, quickly made way for Andy Gilmore. Moxlow next interrogated Atkinson, Langham's client, who explained the nature of his business relations with McBride which had terminated in the payment of three thousand dollars to him on Thanksgiving afternoon, the twenty-seventh of November.

"You are excused, Mr. Atkinson," said Moxlow.

For an instant his eyes roved over the room; they settled on Marshall Langham, who stood near the door leading into the hall. By a gesture he motioned him to the chair Atkinson had vacated.

Langham's testimony was identical with that which he had already given in the informal talk at Moxlow's office; he told of having called on Archi-

152 THE JUST AND THE UNJUST

bald McBride with his client and, urged on by Moxlow, described his subsequent conversation with North.

Up to this point John North had felt only an impersonal interest in the proceedings, but now it flashed across him that Moxlow was seeking to direct suspicion toward him. How well the prosecuting attorney was succeeding was apparent. North realized that he had suddenly become the most conspicuous person in the room; whichever way he turned he met the curious gaze of his townsmen, and each pair of eyes seemed to hold some portentous question. As if oblivious of this he bent forward in his chair and followed Moxlow's questions and Langham's replies with the closest attention. And as he watched Langham, so Gilmore watched him.

"That will do, Mr. Langham. Thank you," said Moxlow at last.

North felt sure he would be the next witness, and he was not mistaken. Moxlow's examination, however, was along lines quite different from those he had anticipated. The prosecuting attorney's questions wholly concerned themselves with the sale of the gas bonds to McBride; each detail of that transaction was gone into, but a very positive sense of relief had come to North. This was not what he had expected and dreaded, and he answered Moxlow's queries frankly, eagerly, for where his relations with the old merchant were under discussion he had nothing to

hide. Finally Moxlow turned from him with a characteristic gesture.

"That's all," he said.

Again his glance wandered over the room. It became fixed on a grayish middle-aged man seated at Gilmore's elbow.

"Thomas Nelson," he called.

This instantly revived North's apprehensions. Nelson was the janitor of the building in which he had roomed. He asked himself what could be Moxlow's purpose in examining him.

There was just one thing North feared, and that—the bringing of Evelyn Langham's name into the case. How this could happen he did not see, but the law dug its own channels and sometimes they went far enough afield. While this was passing through his mind, Nelson was sworn and Moxlow began his examination.

Mr. Nelson was in charge of the building on the corner of Main Street and the Square,—he referred to the brick building on the southeast corner? The witness answered in the affirmative, and Moxlow's next question brought out the fact that for some weeks the building had had only two tenants; John North and Andrew Gilmore.

What was the exact nature of his duties? The witness could hardly say; he was something of a carpenter for one thing, and at the present time was making certain repairs in the vacant store-room on the ground floor. Did he take care of the entrance

154 THE JUST AND THE UNJUST

and the two halls? Yes. Had he anything to do with the rooms of the two tenants on the first floor? Yes. What?

Sometimes he swept and dusted them and he was supposed to look after the fires. He carried up the coal, Moxlow suggested? Yes. He carried out the ashes? Again yes. Moxlow paused for a moment. Was he the only person who ever carried out the ashes? Yes. What did he do with the ashes? He emptied them into a barrel that stood in the yard back of the building. And what became of them then? Whenever necessary, the barrel was carted away and emptied. How long did it usually take to fill the barrel? At this season of the year one or two weeks. When was it emptied last? A week ago, perhaps, the witness was not quite sure about the day, but it was either Monday or Tuesday of the preceding week. And how often did the ashes from the fireplaces in Mr. North's and Mr. Gilmore's rooms find their way into the barrel? Every morning he cleaned out the grates the first thing, and usually before Mr. North or Mr. Gilmore were up.

Again Moxlow paused and glanced over the room. He must have been aware that to his eager audience the connection between Mr. North's and Mr. Gilmore's fireplaces and the McBride murder, was anything but clear.

"Did you empty the ashes from the fireplaces in the apartments occupied by Mr. North and Mr. Gilmore on Friday morning?" he asked.

"Yes; that is, I took up the ashes in Mr. North's rooms."

"But not in Mr. Gilmore's?"

"No, sir, I didn't go into his rooms Friday morning."

"Why was that,—was there any reason for it?"

"Yes, I knew that Mr. Gilmore's rooms had not been occupied Thursday night; that was the night of the murder, and he was at McBride's house," explained the witness.

"But you emptied the grate in Mr. North's rooms?"

"Yes, sir."

"And disposed of the ashes in the usual way?"

"Yes, sir."

"In the barrel in the yard back of the building?"

"Yes, sir."

"Did you notice anything peculiar about the ashes from Mr. North's rooms on Friday morning?"

The witness looked puzzled.

"Hadn't Mr. North burnt a good many papers in his grate?"

"Oh, yes, but then he was going away."

"That will do,—you are excused," interposed Moxlow quickly.

The sheriff was next sworn. Without interruption from Moxlow he told his story. He had made a thorough search of the ash barrel described by the witness Thomas Nelson, and had come upon a number of charred fragments of paper.

156 THE JUST AND THE UNJUST

"We think these may be of interest to the coroner's jury," said Moxlow quietly.

He drew a small pasteboard box from an inner pocket of his coat and carefully arranged its contents on the table before him. In all there were half a dozen scraps of charred or torn paper displayed; one or two of these fragments were bits of envelopes on which either a part or all of the name was still decipherable. North, from where he sat, was able to recognize a number of these as letters which he had intended to destroy that last night in his rooms; but the refuse from his grate and the McBride murder still seemed poles apart; he could imagine no possible connection.

The president of Mount Hope's first national bank was the next witness called. He was asked by Moxlow to examine a Mount Hope Gas Company bond, and then the prosecuting attorney placed in his hands a triangular piece of paper which he selected from among the other fragments on the table.

"Mr. Harden, will you kindly tell the jury of what, in your opinion, that bit of paper in your hand was once a part?" said Moxlow.

Very deliberately the banker put on his glasses, and then with equal deliberation began a careful examination of the scrap of paper.

"Well?" said Moxlow.

"A second, please!" said the banker.

But the seconds grew into minutes before he was ready to risk an opinion.

"We are waiting on you, Mr. Harden," said Moxlow at length.

"I should say that this is a marginal fragment of a Gas Company bond," said the banker slowly. "Indeed there can be no doubt on the point. The paper is the same, and these lines in red ink are a part of the decoration that surrounds the printed matter. No,—there is no doubt in my mind as to what this paper is."

"What part of the bond is it?" asked Moxlow.

"The lower right-hand corner," replied the banker promptly. "That is why I hesitated to identify it; with this much of the upper left-hand corner for instance, I should not have been in doubt."

"Excused," said Moxlow briefly.

The room became blank before John North's eyes as he realized that a chain of circumstantial evidence was connecting him with the McBride murder. He glanced about at a score of men—witnesses, officials, and jury, and felt their sudden doubt of him, as intangibly but as certainly as he felt the dead presence just beyond the closed door.

"We have one other witness," said Moxlow.

And Joe Montgomery, seeming to understand that he was this witness, promptly quitted his chair at the back of the room and, cap in hand, slouched forward and was duly sworn by the coroner.

If Mr. Montgomery had shown promptness he had also evinced uneasiness, since his fear of the law was as rock-ribbed as his respect for it. He was not un-

158 THE JUST AND THE UNJUST

familiar with courts, though never before had he appeared in the character of a witness; and he had told himself many times that day that the business in which he had allowed Mr. Gilmore to involve him carried him far behind his depths. Now his small blue eyes slid round in their sockets somewhat fearfully until they rested on Mr. Gilmore, who had just taken up his position at Marshall Langham's elbow. The gambler frowned and the handy-man instantly shifted his gaze. But the prosecuting attorney's first questions served to give Joe a measure of ease; this was transitory, however, as he seemed to stand alone in the presence of some imminent personal danger when Moxlow asked:

"Where were you on the night of the twenty-seventh of November at six o'clock?"

Joe stole a haunted glance in the direction of Gilmore. Moxlow repeated his question.

"Boss, I was in White's woodshed," answered Montgomery.

"Tell the jury what you saw," said Moxlow.

"Well, I seen a good deal," evaded the handy-man, shaking his great head.

"Go on!" urged Moxlow impatiently.

"It was this way," said Joe. "I was lookin' out into the alley through a crack in the small door where they put in the coal; right across the alley is the back of McBride's store and the sheds about his

yard—" the handy-man paused and mopped his face with his ragged cap.

At the opposite end of the room Gilmore placed a hand on Langham's arm. The lawyer had uttered a smothered exclamation and had made a movement as if about to quit his seat. The gambler pushed him back.

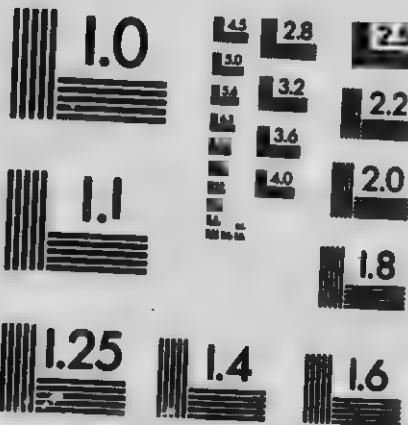
"Sit tight, Marsh!" he muttered between his teeth.

Mr. Montgomery, taking stock of his courage, prepared to adventure further with his testimony.

"All at once as I stood by that door lookin' out into the alley, I heard a kind of noise in old man McBride's yard. It sounded like something heavy was bein' scraped across the frozen ground, say a box or barrel. Then I seen a man's derby hat come over the edge of the shed, and next the man who was under that hat drawed himself up; he come up slow and cautious until he was where he could throw himself over on to the roof. He done that, squatted low, and slid down the roof toward the alley. There was some snow and he slid easy. He was lookin' about all the time like he wasn't anxious to be seen. Well, boss, he never seen me, and he never seen no one else, so he dropped off, kind of givin' himself a shove out from the eaves, and fetched up against White's woodshed. He was pantin' like he'd run a mile, and I heard him say in a whisper, 'Oh, my God!'—just like that,—'Oh, my God!' " The handy-man paused with this grotesque mimicry of terror.



MICROCOPY RESOLUTION TEST CHART
(ANSI and ISO TEST CHART No. 2)



APPLIED IMAGE Inc

1653 East Main Street
Rochester, New York 14609 USA
(716) 482-0300 - Phone
(716) 288-5969 - Fax

"And then?" prompted Moxlow, in the breathless silence.

"And then he took off up the alley as if all hell was whoopin' after him!"

Again Montgomery's ragged cap served him in lieu of a handkerchief, and as he swabbed his blotched and purple face he shot a swift furtive glance in Gilmore's direction. So far he had told only the truth, but he was living in terror of Moxlow's next question.

"Can you describe the man who crossed the roof, —for instance, how was he dressed?" said Moxlow, with slow deliberation.

"He had on a derby hat and a dark overcoat," answered Montgomery after a moment's pause.

He was speaking for Gilmore now, and his grimy fists closed convulsively about the arms of his chair.

"Did you see his face?" asked Moxlow.

"Yes—" the monosyllable was spoken unwillingly, but with a kind of dogged resolution.

"Was it a face you knew?"

Montgomery looked at Gilmore, whose fierce insistent glance was bent compellingly on him. The recollection of the gambler's threats and promises flashed through his mind.

"Was it a face you knew?" repeated Moxlow.

The handy-man gave him a sudden glare.

"Yes," he said in a throaty whisper.

"How could you tell in the dark?"

"It wasn't so terrible dark, with the snow on the



"Then I seen a man's derby hat come over the edge of the shed."

ground. And I was so close to him I could have put an apple in his pocket," Joe explained.

"Who was the man?" asked Moxlow.

"I thought he looked like John North," said Montgomery.

There was the silence of death in the room.

"You thought it was John North?" began Moxlow.

"Yes."

"When he spoke, you thought you recognized North's voice?"

"Yes."

"Were you sure?"

"I was pretty sure, boss—"

"Only pretty sure?"

"I thought it was Mr. North,—it looked like Mr. North, and I thought it was him,—I thought so then and I think so now," said Montgomery desperately.

"Are you willing to swear positively that it was John North?" demanded Moxlow.

"No—" said the handy-man, "No,—I only say I thought it was John North. He looked like Jchn North, and I thought it was John North,—I'd have said it was John North, but it all happened in a minute. I wasn't thinkin' I'd ever have to say who it was I seen on the shed!"

"But your first distinct impression was that it was John North?"

"Yes."

"You have known John North for years?"

"All his life."

"Had you seen him recently?"

"I seen him Thanksgiving day along about four o'clock crossing the Square."

"How was he dressed, did you notice?"

"He was dressed like the man in the alley,—he had on a black derby hat and a dark brown overcoat."

"That's all," said Moxlow quietly.

The coroner and the jury drew aside and began a whispered consultation. In the vitiated atmosphere of that overcrowded room, heavy as it was with the stifling heat and palpably dense with the escaping smoke from the cracked wood-stove, men coughed nervously with every breath they drew, but their sense of physical discomfort was unheeded in their tense interest in the developments of the last few moments. The jury's deliberation was brief and then the coroner announced its verdict.

North heard the doctor's halting words without at once grasping their meaning. A long moment of silence followed, and then a man coughed, and then another, and another; this seemed to break the spell, for suddenly the room buzzed with eager whisperings.

North's first definite emotion was one of intense astonishment. Were they mad? But the faces turned toward him expressed nothing beyond curiosity. His glance shifted to the official group by the table. These good-natured commonplace men who, whether

they liked him or not, had invariably had a pleasant word for him, instantly took on an air of grim aloofness. Conklin, the fat jolly sheriff; the coroner; Moxlow, the prosecuting attorney in his baggy trousers and seam-shining coat,—why, he had known these men all his life, he had met them daily,—what did they mean by suspecting him! The mere suspicion was a monstrous wrong! His face reddened; he glanced about him haughtily.

Now at a sign from the coroner, Conklin placed his fat hands on the arms of his chair and slowly drew himself out of its depths, then he crossed to North. The young fellow rose, and turned a pale face toward him.

"John," said the sheriff gently, "I have an unpleasant duty to perform."

In spite of himself the pallor deepened on North's face.

"I understand," he said in a voice that was low and none too steady.

During this scene Moxlow's glance had been centered on North in a fixed stare of impersonal curiosity, now he turned with quick nervous decision and snatching up his shabby hat from the table, left the room.

Langham had preceded him by a few moments, escaping unobserved when there were eyes only for North.

"I am ready, Conklin."

'And a moment later North and the sheriff passed

out into the twilight. Neither spoke until they came to the court-house Square.

"We'll go in this way, John!" said the sheriff in a tone that was meant to be encouraging, but failed.

They ascended the court-house steps, and went down the long corridor to the rear of the building. Here they passed out through wide doors and into a narrow yard that separated the court-house from the jail. Crossing this sandy strip they entered the sheriff's office. Conklin paused; North gazed at him inquiringly.

"It's too bad, John," said the sheriff.

Then without further words he led North to a door opposite that by which they had entered. It opened on a long brick-paved passageway, at the end of which was a flight of narrow stairs. Ascending these North found himself in another long hall. Conklin paused before the first of three doors on the right and pushed it open.

"I guess this will do, John!" he said.

North stepped quickly in and glanced about him. The room held an iron bedstead, a wooden chair and, by the window which overlooked the jail yard and an alley beyond, a wash-stand with a tin basin and pitcher.

"Say, ain't you going to see a lawyer?" asked the sheriff. "He may be able to get you out of this, you can't tell—"

"Can you send a message to young Watt Harbison for me?" interrupted North.

"Certainly, but you don't call him much of a lawyer, do you? I tell you, John, you want a *good* lawyer; what's the matter with Marsh Langham?"

"Watt will do for the present. He can tell me the one or two things I need to know now," rejoined North indifferently.

"All right, I'll send for him then."

The sheriff quitted the room, closing and locking the door after him. North heard his footsteps die out in the long passage. At last he was alone! He threw himself down on the cot for manhood seemed to forsake him.

"My God,—Elizabeth—" he groaned and buried his face in his hands.

The law had lifted a sinister finger and leveled it at him.

CHAPTER THIRTEEN

LIGHT IN DARKNESS

THE expression on General Herbert's face was one of mingled doubt and impatience.

"You must be mistaken, Thompson!" he was saying to his foreman, who had, with the coming of night, returned from an errand in town.

"General, there's no mistake; every one was talking about it! Looks like the police had something to go on, too—"

He hesitated, suddenly remembering that John North had been a frequent guest at Idle Hour.

"I had heard that Mr. North was wanted as a witness," observed the general.

"No, they say Moxlow had his eye on him from the start!" rejoined the foreman with repressed enthusiasm for Moxlow.

The general sensed the enthusiasm and was affected unpleasantly by it.

"It would be a great pity if Mr. Moxlow should be so unfortunate as to make a fool of himself!" he commented with unusual acidity. "What else did you hear?"

"Not much, General, only just what I've told you

—that they've arrested North, and that young Watt Harbison's been trying to get him out on bail, but they've refused to accept bond in his case. Don't that look like they thought the evidence was pretty strong against him—"

"Well, they might have arrested you or me," said the general. "That signifies nothing."

He moved off in the direction of the house, and Thompson, after a backward glance at his retreating figure, entered the barn. Out of sight of his foreman, the general's sturdy pace lagged. That young man had been at Idle Hour entirely too often; he had thought so all along, and now he was very sure of it!

"This comes of being too kind," he muttered.

Then he paused suddenly—but no, that was absurd—utterly absurd; Elizabeth would have told him! He was certain of this, for had she not told him all her secrets? But suppose—suppose—and again he put the idea from him.

He found Elizabeth in the small, daintily furnished sitting-room which Mrs. Herbert had called her "boudoir", and seated himself, none too gently, in a fragile gilt chair which his bulk of bone and muscle threatened to wreck. Elizabeth glanced up from *Their Wedding Journey*, which she was reading for the second time.

"What is it, father?" she asked, for his feeling of doubt and annoyance was plainly shown in his expressive face.

168 THE JUST AND THE UNJUST

"Thompson has just come out from town—he says that John North has been arrested for the McBride murder—"

The book slipped from Elizabeth's hand and fell to the floor; the smile with which she had welcomed her father faded from her lips; she gazed at him with pale face and wide eyes. The general instantly regretted that he had spoken with such cruel abrupt-

"You don't think it is true?" she asked in a whisper.

"Thompson seemed to know what he was talking about."

"It's monstrous!" she cried.

"If North is innocent—" began the general.

"Father!" She regarded him with a look of horror and astonishment. "You don't like him! It's that, isn't it?" she added after a moment's silence.

"I don't like any one who gets into a scrape such as this!" replied the general with miserable and unnecessary heat.

"But it wasn't *his* fault—he couldn't help it!"

"I don't suppose he could," replied her father grimly.

She rose and came close to his side.

"Father!" she said in a tone of entreaty, placing a hand on his arm.

"What is it, dear?"

There was both tenderness and concern in his

keen gray eyes as he glanced up into her troubled face.

"I want you to go to him—to Mr. North, I mean. I want you to tell him how sorry you are; I want him to know—I—" she paused uncertainly.

Perhaps for the first time in her life she was not quite sure of her father's sympathy. She dreaded his man's judgment in this crisis.

"Now seriously, Elizabeth, don't you think I'd better keep away from him? I can do nothing—"

"Oh, how cowardly that would be!" she cried. "How cowardly!"

The old general winced at this. He was far from being a coward, but appearances had their value in his eyes; and even, in its least serious aspect, young North's predicament was not pleasant to contemplate.

"But there is nothing I can do, Elizabeth; why should I become involved?" he urged.

"Then you must go to him from me!" she cried.

"Child—child; what are you saying!" cried the general.

"Either you must go to him, or I shall go!" she said with fine firmness.

Her father groaned.

"Be frank with me, Elizabeth. Has North ever told you that he cared for you?"

"Yes."

"When?"

"Before he went away—I mean that last night he was here."

"I feared as much!" he muttered. "And you, dear?" he continued gently.

"He said we might have to wait a long time—or I should have told you! He went away because he was too poor—"

There was a pause.

"Do you care for him, Elizabeth?" her father asked at length. "Do you wish me to understand that you are committed—are—"

"Yes," she answered quite simply.

"You are sure it is not just pity—you are sure, Elizabeth? For you know, right or wrong, he will probably come out of this with his reputation smirched."

"But he is *innocent!*"

"That is not quite the point!" urged the general. "We must see things as they are. You must understand what it may mean to you in the future, to have given your love to a man who has fallen under such suspicion. There will always be those who will remember this against him."

"But *I* shall know!" she said proudly.

"And that will be enough—you will ask no more than that, Elizabeth?"

"If my faith in him has never been shaken, could I ask more?"

He looked at her wistfully. Her courage he comprehended. It was fine and true, like her sweet unspoiled youth; in its presence he felt a sudden sense of age and loneliness. He asked himself, had

he lived beyond his own period of generous enthusiasm?

"It would be a poor kind of friendship, a poorer kind of love, if we did not let him know at once that this has not changed our—our regard for him!" she said softly.

"It is not your ready sympathy; you are quite certain it is not that, Elizabeth?"

"I am sure, father—sure of myself as I am of him! You say he has been arrested, does that mean—" and she hesitated.

"It means, my dear, that he is in jail," answered the general as he came slowly to his feet.

She gave a little cry, and running to him hid her face against his arm.

"In jail!" she moaned, and her imagination and her ignorance clothed the thought with indescribable horrors.

"Understand, dear, he isn't even indicted yet and he may not be! It's bad enough, of course, but it might be a great deal worse. Now what am I to tell him for you?"

"Wait," she said, slipping from his side. "I will write him—"

"Write your letter then," said her father. "I'll order the horses at once," he added, as he quitted the room.

Ten minutes later when he drove up from the stables, Elizabeth met him at the door.

"After you have seen him, father, come home at

172 THE JUST AND THE UNJUST

once, won't you?" she said as she handed him her letter.

"Yes, I am only going for this," he replied.

It was plain that his errand had not grown less distasteful to him. Perhaps Elizabeth was aware of this, for she reached up and passed an arm about his neck.

"I don't believe any girl ever had such a father!" she whispered softly.

"I suppose I should not be susceptible to such manifest flattery," said the general, kissing her, "but I find I am! There, you keep up your courage! This old father of yours is a person of such excellent sense that he is going to aid and abet you in this most outrageous folly; I expect, even, that in time, my interest in this very foolish young man will be only second to your own, my dear!"

As he drove away he turned in his seat to glance back at the graceful girlish figure standing in the shelter of Idle Hour's stone arched vestibule, and as he did so there was a flutter of something white, which assured him that her keen eyes were following him and would follow him until the distance and the closing darkness intervened, and hid him from her sight.

"I hope it will come out all right!" he told himself and sighed.

If it did *not* come out all right, where was his peace of mind; where was the calm, where the long reposeful days he had so valued? But this thought

he put from him as unworthy. After all Elizabeth's happiness was something he desired infinitely more than he desired his own. But why could it not have been some one else? Why was it North; what unkind fate had been busy there?

"She sees more in him than I could ever see!" he said aloud, as he touched his horse with the whip.

Twenty minutes later he drove up before the court-house, hitched and blanketed his horse, and passing around the building, now dark and deserted, reached the entrance to the jail. In the office he found Conklin at his desk. The sheriff was rather laboriously engaged in making the entry in his ledger of North's committal to his charge, a formality which, out of consideration for his prisoner's feelings, he had dispensed with at the time of the arrest.

"I wish to see Mr. North. I suppose I may?" his visitor said, after he had shaken hands with Conklin.

"Certainly, General! Want to go up, or shall I bring him down here to you?"

"I'd prefer that—I'd much prefer that!" answered the general hastily.

He felt that it would be something to tell Elizabeth that the interview had taken place in the sheriff's office.

"All right, just as you say; have a chair." And Conklin left the room.

The general glanced about him dubiously. Had it not been for his deep love for Elizabeth he could

174 THE JUST AND THE UNJUST

have wished himself anywhere else and charged with any other mission. He dropped heavily into a chair. North's arrest, and the results of that arrest as he now saw them in that cheerless atmosphere, loomed large before his mind's eye. He reflected that a trial for murder was a horrible and soul-racking experience. He devoutly and prayerfully hoped that it would not come to this in North's case.

His meditation was broken in on by the sound of echoing steps in the brick-paved passageway, and then North and Conklin entered the room. On their entrance the general quitted his chair and advanced to meet the young fellow, whose hand he took in silence. The sheriff glanced from one to the other; and understanding that there might be something intimate and personal in their relation, he said:

"I'll just step back into the building, General; when you and Mr. North have finished your talk, you can call me."

"Thank you!" said General Herbert, and Conklin withdrew, leaving the two alone.

There was an awkward pause as they faced each other. The older man was the first to speak.

"I regret this!" he said at length.

"Not more than I do!" rejoined North, with a fleeting sense of humor.

He wondered what it was that had brought Elizabeth's father there.

"What's the matter with Moxlow, anyhow?" the general demanded.

He glanced sharply into North's face. He saw that the young fellow was rather pale, but otherwise his appearance was unchanged.

"All the evidence seems to point my way," said North, and added a trifle nervously: "I don't understand it—it isn't clear to me by any means! It came so suddenly, and I was totally unprepared to meet the situation. I had talked to Moxlow in the morning, but he had let drop nothing that led me to suppose I was under suspicion. Of course I am not afraid. I know that it will come out all right in the end—"

"Do you want anything, North? Is there anything I can do for you?" asked General Herbert almost roughly.

"Thank you, but apparently there is nothing that any one can do just now," said North quietly.

The color was creeping back into his face.

"Well, we can't sit idle! Look here, you tried for bail, I understand?"

"Yes, but it has been refused."

"Do you know when the grand jury sits?"

"Next week. Of course my hope is that it won't go beyond that; I don't see how it can!"

"Why didn't you send for me at once?" asked the older man with increasing brusqueness. He took a turn about the room. "What does it all mean? What do you know about McBride's death?" he continued, halting suddenly.

"Absolutely nothing," said North.

176 THE JUST AND THE UNJUST

And for an instant the two men looked straight into each other's eyes.

"You are sure you don't need anything—money, for instance?" the general asked, shifting his glance.

"I am quite sure, but I am very grateful to you all the same—"

"Of course the evidence against you is purely circumstantial?"

"I believe so—yes," answered North. "But there are points I don't understand."

"I am coming in to-morrow morning to see you, and talk the whole thing over with you, North."

"I shall be very glad to talk matters over with you, General," said North.

"I wish I could do something for you to-night!" the general said with real feeling, for he realized the long evening, and the longer night that were before the young fellow.

There was a pause. The general could not bring himself to speak of Elizabeth, and North lacked the courage to ask concerning her.

"I heard through one of my men of your arrest. He brought word of it to the farm," the farmer said at length.

"Miss Herbert knows—of course you told her—"

"Yes, North; yes, she knows!" her father replied. "She knows and she urged me to come!"

He saw North's face light up with a sudden look of joy.

"She urged you to come?" repeated North.

"Yes—I think she would have come herself if I had not been willing."

"I am glad she did not!" said North quickly.

"Of course! I told her it would only distress you."

"It would only distress her—which is all that is worth considering," rejoined North.

"That's so!" said the general, approaching the young man and resting a brown and muscular hand on his shoulder.

"She has told you?" asked North.

The older man nodded.

"Yes, she's told me," he said briefly.

"I can't ask if it was pleasant news at this time," said North. "What do you wish me to do?" he continued. "She must forget what was said that night, and I, too, will endeavor to forget—tell her that." He passed a shaking hand before his face.

"I've a note here for you, North—" General Herbert was fumbling in his pocket—"from Elizabeth. Don't you be too quick to decide!"

"With your permission," said North as he took the letter.

He tore it open, and Elizabeth's father, watching him, saw the expression of his face change utterly, as the lines of tense repression faded from it. It was clear that for the moment all else was lost in his feeling of great and compelling happiness. Twice he read the letter before he could bring himself to replace it in its envelope. As he did so, he

caught the general's eyes fixed on him. For a moment he hesitated, then he said with the frankness that was habitual to him:

"I think you should know just what that letter means to me. It is brave and steadfast—just as she is; no, you were right, I can't decide—I won't!"

"I wouldn't," said the general. There was a pause and then he added, "After all, it is not given to every woman to show just how deep her faith is in the man she loves. It would be too bad if you could not know that!"

"The situation may become intolerable, General Herbert! Suppose I am held for the murder—suppose a long trial follows; think what she will suffer, the uncertainty, the awful doubt of the outcome, although she knows,—she must know I am innocent."

"Of course, of course!" cried the general hastily, for these were points he did not wish to discuss.

"It's a serious matter when you consider the possibility of an indictment," said North soberly enough.

"That's true; yet we mustn't count the cost now, or at any future time. But I promised Elizabeth I'd come back at once. What shall I say to her, North?"

"Tell her that her letter has changed the whole aspect of things for me. You must try to make her feel the fresh hope she has given me," John replied, extending his hand.

"Conklin!" called the general. He took North's hand. "Good night; I'm infinitely sorry to leave you here, North, but I suppose it can't be helped—"

The sheriff entered the room while he was yet speaking.

"Finished your chat, General?" he asked.

"Yes, thank you, Conklin. Good night. Good night, North," and Elizabeth's father hurried from the room.

For a moment North stood silent, staring absently at the door that had just closed on the general's burly figure. He still held Elizabeth's letter in his hand. In fancy he was seeing her as she had bent above it, her face tender, compassionate; and then there rose the vision of that crowded room with its palpable atmosphere, its score of curious faces all turned toward him in eager expectation. In the midst of these unworthy surroundings, her face, beautiful and high bred, eluded him; the likeness, even as he saw it, was lost, nor could he call it back.

Slowly but certainly that day's experience was fixing itself unalterably in his memory. He caught the pungent reek from the wood-stove, and mingling with it the odor of strong cheap tobacco filled his nostrils again; he was left with the very dregs of sordid shameful things.

The sheriff touched him on the arm.

CHAPTER FOURTEEN

THE GAMBLER'S THEORY

GILMORE, leaving his apartment, paused to light a cigar, then sauntered down the steps and into the street. As he did so he saw Marshall Langham come from the post-office, half a block distant, and hurry across the Square. Gilmore strode after him.

"Oh, say, Marsh, I want to see you!" he called when he had sufficiently reduced the distance that separated him from his friend.

Instantly Langham paused, turning a not too friendly face toward the gambler.

"You want to see me?" he asked.

"Didn't I say so?" demanded Gilmore, as he gained a place at his side. "Where are you going, to the office?"

"Yes, I have some letters to answer," and Langham quickened his pace.

Gilmore kept his place at the lawyer's elbow. For a moment there was silence between them, and then Gilmore said:

"You got away from McBride's in a hurry Saturday; why didn't you wait and see the finish?"

Langham made no answer to this, and Gilmore,

after another brief silence, turned on him with an unexpected question:

"How would you like to be in North's shoes, Marsh?" As he spoke, the gambler rested a hand on Langham's shoulder. He felt him shrink from the physical contact. "Gives you a chill just to think of it, doesn't it?" he said. "I suppose Moxlow believes there's the making of a pretty strong case against him; eh, Marsh?"

"I don't know; I can't tell what he thinks," said Langham briefly.

"But in North's place, back there in the jail in one of those brand-new iron cages over the yard, how would you feel? That's what I want to know!"

Langham met his glance for an instant and then his eyes fell. He sensed the insinuation that was back of Gilmore's words.

"Can't you put yourself in his place, with the evidence, such as it is, all setting against you?"

"I'm due at the office," said the lawyer suddenly. Gilmore took his arm.

"If North didn't kill McBride, who did?" he persisted.

"Why do you ask me such questions?" demanded Langham resentfully.

"My lord—can't we consider the matter?" asked the gambler laughing.

"What's the use? Here, I've got to go to the office, Andy—" and he sought to release himself, but Gilmore retained his hold.

182 THE JUST AND THE UNJUST

"I suppose you are going to see North?" he asked. Langham came to a sudden stop.

"What's that?" he asked hoarsely.

"You have been his intimate for years; surely you are too good a friend to turn your back on him now!"

"If he wants me, he'll send for me!" muttered Langham.

"Do you mean you aren't *going* to him, Marsh?" asked the gambler with well simulated astonishment.

"He knows where I'm to be found," said Langham, striding forward again, "and, damn it, this is no concern of yours!"

"Well, by thunder!" ejaculated Gilmore.

"I don't need any points from you, Andy!" said Langham, with a sullen sidelong glance at his companion.

They had crossed the Square, and Langham now halted at the curb.

"Good-by, Andy!" he said, and shook himself free of the other's detaining hand.

"Hold on a minute, Marsh!" objected Gilmore.

"Well, what is it, can't you see I am in a hurry?"

"Oh, nothing here, Marsh—" and striding forward, Gilmore disappeared in the building before which they had paused.

For an instant Langham hesitated, and then he followed the gambler.

A step or two in advance of him, Gilmore mounted the stairs, and passing down the hall en-

tered Langham's office. Langham followed him into the room; he closed the door, and without a glance at Gilmore removed his hat and overcoat and hung them up on a nail back of the door; the gambler meanwhile had drawn an easy chair toward the open grate at the far end of the room, before which he now established himself with apparent satisfaction.

"I suppose the finding of the coroner's jury doesn't amount to much," he presently said but without looking in Langham's direction.

The lawyer did not answer him. He crossed to his desk which filled the space between the two windows overlooking the Square.

"You're damn social!" snarled Gilmore over his shoulder.

"I told you I was busy," said Langham, and he began to finger the papers on his desk.

Gilmore swung around in his chair and faced him.

"So you won't see him—North, I mean?" he queried. "Well, you're a hell of a friend, Marsh. You've been as thick as thieves, and now when he's up against it good and hard, you're the first man to turn your back on him!"

Seating himself, Langham took up his pen and began to write. Gilmore watched him in silence for a moment, a smile of lazy tolerance on his lips.

"Suppose North is acquitted, Marsh; suppose the grand jury doesn't hold him," he said at length; "will the search for the murderer go on?"

The pen slipped from Langham's fingers to the desk.

"Look here, I don't want to discuss North or his affairs with you. It's nothing to me; can't you get that through your head?"

"As his friend—" began Gilmore.

"Get rid of that notion, too!"

"That's what I wanted to hear you say, Marsh! So you're not his friend?"

"No!" exclaimed Langham briefly, and his shaking fingers searched among the papers on his desk for the pen he had just dropped.

"So you're not his friend any more?" repeated Gilmore slowly. "Well, I expect when a fellow gets hauled up for murder it's asking a good deal of his friends to stand by him! Do you know, Marsh, I'm getting an increased respect for the law; it puts the delinquents to such a hell of a lot of trouble. It's a good thing to let alone! I'm thinking mighty seriously of cutting out the games up at my rooms; what would you think of my turning respectable, Marsh? Would you be among the first to extend the warm right hand of fellowship?"

"Oh, you are respectable enough, Andy!" said Langham.

He seemed vastly relieved at the turn the conversation had taken. He leaned back in his chair and thrust his hands in his trousers pockets.

"Say, why can't I put myself where I want to be? What's the matter with my style, anyhow? It's as

good as yours any day, Marsh; and no one ever saw me drunk—that is a whole lot more than can be said of you; and yet you stand in with the best people, you go to houses where I'd be thrown out if I as much as stuck my nose inside the door!"

"Your style's all right, Andy!" Langham hastened to assure him.

"Well, it's as good as yours any day!"

"Better!" said Langham, laughing.

"Well, what's the matter with it, then?" persisted Gilmore.

"There's a good deal of it sometimes, it's rather oppressive—" said the lawyer.

"I'll fix that," said Gilmore shortly.

"I would if I wanted what you seem to think you want," replied Langham chuckling.

"Marsh, I'm dead serious; I'm sick of being outside all the good things. I know plenty of respectable fellows, fellows like you; but I want to know respectable women; why can't I?"

"If you hanker for it, you can; it's up to you, Andy," said Langham.

The gambler appeared very ingenuous in this new rôle of his.

"Look here, Marsh, I've never asked anything of you, and you must admit that I've done you one or two good turns; now I'm going to ask a favor of you and I don't expect to be refused; fact is, I ain't going to take a refusal—"

"What is it, Andy?" asked Langham cautiously.

186 THE JUST AND THE UNJUST

"I want you to introduce me to your wife."

"The hell you do!" ejaculated Langham.

The gambler's brow darkened.

"What do you mean by that?" he manded angrily.

"Nothing, I was only thinking of Mrs. Langham's probable attitude in the matter, that was all."

"You mean you think she won't want to meet me?" and in spite of himself Gilmore's voice sounded strained and unnatural.

"I'm *sure* she won't," said Langham with cruel candor.

"Well," observed Gilmore coolly, "I'm going to put my case in your hands, Marsh; you come to my rooms, you drink my whisky, and smoke my cigars and borrow my money; now I'm going to make a new deal with you. I'm going to know your wife. I like her style—she and I'll get on fine together, once we know each other. You make it plain to her that I'm your friend, your best friend, about your *only* friend!"

"You fool—" began Langham.

Gilmore quitted his chair at a bound and strode to Langham's side.

"None of that, Marsh!" he protested sternly, placing a heavy hand on Langham's shoulder. "I see we got to understand each other, you and me! You don't take hints; I have to bang it into you with a club or you don't see what I'm driving at—"

"I've paid you all I owe you, Gilmore!" said

Langham conclusively. "You can't hold that over me any longer."

"I don't want to!" retorted Gilmore quietly.

"You kept your thumb on me good and hard while you could!"

"Not half so hard as I am going to if you try to get away from me now—"

"What do you mean by these threats?" cried Langham.

The gambler laughed in his face.

"You've paid me all you owe me, but I want to ask you just one question. Where did you get the money?"

"That," said Langham, steadying himself by a mighty effort, "is none of your business!"

"Think not?" and again Gilmore laughed, but before his eyes, fierce, compelling, Langham's glance wavered and fell.

"I got the money from my father," he muttered huskily.

"You're a liar!" said the gambler. "I know where you got that money, and you know I know." There was a long pause, and then Gilmore jerked out:

"But don't you worry about that. In your own fashion you have been my friend, and it's dead against my creed to go back on a friend unless he tries to throw me down; so don't you make the mistake of doing that, or I'll spoil your luck! You think you got North where you want him; don't you

be too sure of that! There's one person, just one, who can clear him, at least there's only one who is likely to try, and I'll tell you who it is—it's your wife—" For an instant Langham thought Gilmore had taken leave of his senses, but the gambler's next question filled him with vague terror.

"Where was she late that afternoon, do you know?"

"What afternoon?" asked Langham.

Gilmore gave him a contemptuous glance.

"Thanksgiving afternoon, the afternoon of the murder," he snapped.

"She was at my father's, she dined there," said Langham slowly.

"That may be true enough, but she didn't get there until after six o'clock—I'll bet you what you like on that, and I'll bet you, too, that I know where she was from five to six. Do you take me up? No? Of course you don't! Well, I'll tell you all the same. She was in North's rooms—"

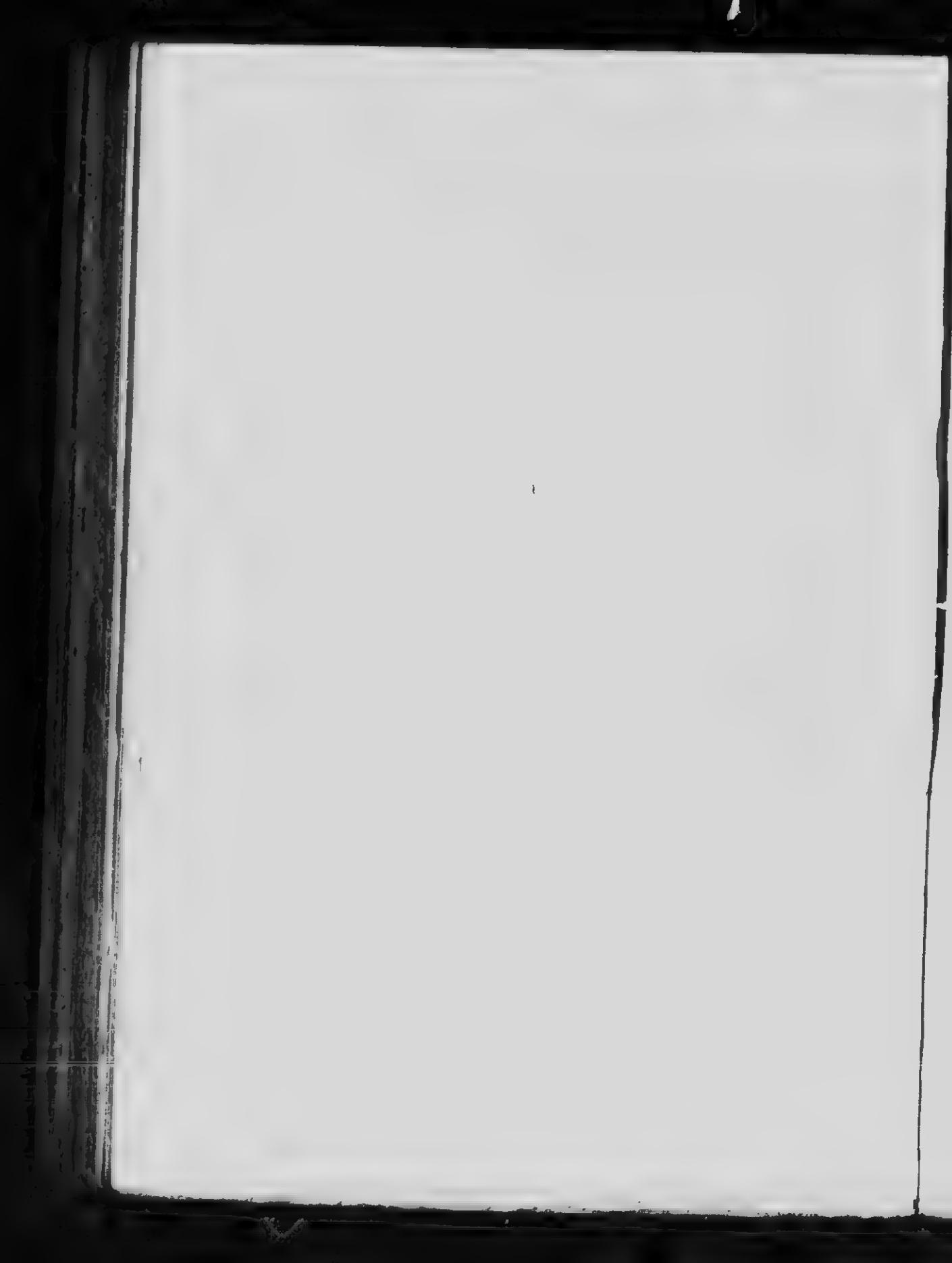
"You lie, damn you!" cried Langham, springing to his feet. He made an ineffectual effort to seize Gilmore by the throat, but the gambler thrust him aside with apparent ease.

"Don't try that or you'll get the worst of it, Marsh; you've been soaking up too much whisky to be any good at that game with me!" said Gilmore.

His manner was cool and determined. He took Langham roughly by the shoulders and threw him back in his chair. The lawyer's face was ghastly in



"She was in North's rooms—"



the gray light that streamed in through the windows, but he had lost his sense of personal fear in another and deeper and less selfish emotion. Yet he realized the gambler's power over him, the power of a perfect and absolute knowledge of his most secret and hidden concerns.

Gilmore surveyed him with a glance of quiet scorn.

"It was about half past five when she turned up at North's rooms. He had just come up the stairs ahead of her; I imagine he knew she was coming. I guess I could tell you a few things you don't know! All during the summer and fall they've been meeting on the quiet—" he laughed insolently. "Oh, you have been all kinds of a fool, Marsh; I guess you've got on to the fact at last. And I don't wonder you are anxious to see North hang, and that you won't go near him; I'd kill him if I stood in your place. But maybe we can fix it so the law will do that job for you. It seems to have the whip-hand with him just now. Well, he was the whole thing with your wife when she went away this fall and then he began to take up with the general's girl—sort of to keep his hand in, I suppose—the damn fool! For she ain't a patch on your wife. I guess Mrs. Langham had been tipped off to this new deal—that's what brought her back to Mount Hope in such a hurry, and she went to his rooms to have it out with him and learn just where she stood. I was in my bedroom and I could hear

them talking through the partition. It wasn't peaches and cream, for she was rowing all right!"

"It's a lie!" cried Langham, and he strove to rise to his feet, but Gilmore's strong hand kept him in his chair.

"No, I don't lie, Marsh, you ought to know that by this time; but there's just one point you want to get through your head; with your wife's help North can prove an alibi. He won't want to compromise her, or himself with the Herbert girl, for that matter; but how long do you think he's going to keep his mouth shut with the gallows staring him in the face? I'm willing to go as far in this matter as the next, but you got to do your part and pay the price, or I'll throw you down so hard you'll never get over the jar!" His heavy jaws protruded. "Now, I've a notion I want to know your wife. I like her style. I guess you can trust her with me—you ain't afraid of that, are you?"

"Take your hands off me!" cried Langham, struggling fiercely.

He tore at the gambler's wrists, but Gilmore only laughed his tantalizing laugh.

"Oh, come, Marsh, let's get back to the main point. If North's indicted and your wife's summoned as a witness, she's got to chip in with us, she's got to deny that she was in his room that day—you got to see to that, I can't do everything—"

"On your word—"

"Well, you needn't quote me to her—it wouldn't

help my standing with her—but ask her where she was between half past five and six the day of the murder; and mind this, you must make her understand she's got to keep still no matter what happens! Put aside the notion that North won't summon her; wait until he is really in danger and then see how quick he squeals!"

"She may have gone to his rooms," said Langham chokingly, "but that doesn't prove anything wrong—"

"Oh, come, Marsh, you ain't fool enough to feel that way about it—"

"Let me up, Gilmore!"

"No, I won't; I'm trying to make you see things straight for your own good. What's the matter, anyhow; don't you and your wife get on?"

Langham's face was purple with rage and shame, while his eyes burned with a murderous hate. Rude hands had uncovered his hidden sore; yet ruder speech was making mock of the disgraceful secret. It was of his wife that this coarse builys was speaking! That what he said was probably true—Evelyn herself had admitted much—did not in the least ease the blow that had crushed his pride and self-respect. He lay back in his chair, limp and panting under Gilmore's strong hands. Where was his own strength of heart and arm that he should be left powerless in this moment of unspeakable degradation?

"It behooves you to do something more than soak

up whisky," said the gambler. "You must find out what took your wife to North's rooms, and you must make her keep quiet no matter what happens. If you go about it right it ought to be easy, for they had some sort of a row and he's mixed up with the Herbert girl; you got that to go on. Now, the question is, is she mad enough to see him go to the penitentiary or hang without opening her mouth to save him? Come, you should know something about her by this time; I would, if I had been married to her as long as you have."

Suddenly he released Langham and fell back a step. The lawyer staggered to his feet, adjusting his collar and cravat which Gilmore's grasp on his throat had disarranged. He glanced about him with a vague notion of obtaining some weapon that would put him on an equality with his more powerful antagonist, but nothing offered, and he took a step toward the door.

"Don't be a fool, Marsh," said the gambler coldly. "I'm going to change my tactics with you. I'm not going to wear myself out keeping your nose pointed in the right direction; you must do something for yourself, you drunken fool!"

Langham took another step toward the door, but his eyes—the starting bloodshot eyes of a hunted animal—still searched the room for some weapon. Except for the heavy iron poker by the grate, there was nothing that would serve his purpose, and he must pass the gambler to reach that.

Still fumbling with his collar he paused irresolutely, midway of the room. Pride and self-respect would have taken him from the place but hate and fear kept him there.

Gilmore threw himself down in a chair before the fire and lit a cigar. In spite of himself Langham watched him, fascinated. There was such conscious power and mastery in everything the gambler did, that he felt the various purposes that were influencing him collapse with miserable futility. What was the use of struggling?

"You can do as you blame please in this matter, Marsh," said the gambler at length. "I haven't meant to offend you or insult you, but if you want to see it that way—all right, it suits me. You needn't look about you, for you won't find any sledges here; you ought to know that."

"What do you mean—" asked Langham in a whisper.

"Draw up a chair and sit down, Marsh, and we'll thrash this thing out if it takes all night. Here, have a cigar!" for Langham had drawn forward a chair. With trembling fingers he took the cigar the gambler handed him. "Now light up," said Gilmore. He watched Langham strike a match, watched his shaking hands as he brought its flame to the cigar's end. "That's better," he said as the first puff of smoke left Langham's colorless lips. "So you think you want to know what I mean, eh? Well, I'm going to take you into my confidence, Marsh,

and just remember you can't possibly reach the poker without having me on top of you before you get to it! You were pretty sober for 'ou the afternoon of the murder, not more than half shot, we'll say, but later on when you hunted me up at the McBride house, you were as drunk as you will ever be, and slobbering all sorts of foolishness!"

He puffed his cigar in silence for a moment. Langham's had gone out and he was nervously chewing the end of it.

"What did I say?" he asked at length.

"Oh, all sorts of damn nonsense. You're smart enough sober, but get you drunk and you ain't fit to be at large!"

"What did I say?" repeated Langham.

"Better let me forget that," rejoined Gilmore significantly. "And look here, Marsh, I was sweating blood Saturday when they had Nelson on the stand, but it's clear he had no suspicion that my rooms were occupied on the night of the murder. You were blue about the gills while Moxlow was questioning him, and I don't wonder; as I tell you, I wasn't comfortable myself, for I knew well enough how that bit of burnt bond got into the ash barrel—"

"Hush! For God's sake—" whispered Langham in uncontrollable terror.

Gilmore laughed.

"My lord, man, you got to keep your nerve! Look here, Mount Hope ain't going to talk of anything but the McBride murder; you are going to

hear it from morning to night, and that's one of the reasons you got to keep sober. You've done your best so far to queer yourself, and unless you listen to reason you may do it yet."

"I don't know what you mean—" said Langham.

"Don't you, Marsh? Well, I got just one more surprise in store for you, but I'll keep it to myself a while longer before I spring it on you."

He was thinking of Joe Montgomery's story; if Langham did not prove readily tractable, that should be the final weapon with which he would beat him into submission. Presently he said:

"I've all along had my own theory about old man McBride's murder, and now I'm going to see what you think of it, Marsh."

An icy hand seemed to be clutching Langham's heart. Gilmore's cruel smiling eyes noted his suffering. He laughed.

"Of course, I don't think North killed McBride, not for one minute I don't; in fact, it's a dead moral certainty he didn't!" He leaned forward in his chair and looked into his companion's eyes. For an instant Langham met his glance without flinching and then his eyes shifted and sought the floor. "I'll bet," said Gilmore's cool voice, "I'll bet you what you like I could put my hand on the man who did the murder!" and as he spoke he reached out and by an apparently accidental gesture, rested his hand on Langham's shoulder. "You wouldn't like to risk any money on that little bet, eh,

Marsh?" He sank back in his chair and applied himself to his cigar in silence, but his eyes never left Langham's face.

Presently he took the cigar from between his strong even teeth. "Now, I'm going to give you my theory," he said. "I want to see what you think of it—but remember always, I believe in letting well enough alone! They got North caged in one of those nice new cells down at the jail and that suits me all right! My theory is that the man who killed McBride was needing money mighty badly and he went to McBride as a sort of a last chance. He found the old fellow alone in the office—understand, he didn't go there with any fixed purpose of killing him, his ideas had not carried him that far—he was willing to borrow the money if the old man would lend it to him. He probably needed quite a sum, say two or three thousand dollars, and the need was urgent, you must keep that in mind and then you'll see perfectly how it all happened. Possibly my man was of the sort who don't fancy disagreeable interviews and had put off going to the store until the last moment, but once he had settled that point with himself he was determined he wouldn't come away without the money. The old fellow, however, took a different view of the situation; he couldn't see why he should lend any money, especially when the borrower was vague on the matter of security.

"Well, I guess they talked quite a while

there at the back of the store, McBride standing in the doorway of the office all the time. At last it got to my man that he wasn't to have the money. But there was trouble ahead of him if he didn't get it and he wouldn't give up; he kept on making promises—urging his need—and his willingness and ability to meet his obligations. He was like a starving man in the presence of food, for he knew McBride had the money in his safe and the safe door was open. His need seemed the only need in all the world, and it came to him that since McBride would not lend him the money he wanted, why not take it from him anyhow? He couldn't see consequences, he could only realize that he must have two or three thousand dollars! Perhaps he got a glimmer of reason just here, and if he did he was pretty badly frightened to think that he should even consider violence; he turned away to leave McBride and the old man followed him a ways down the store, explaining why they couldn't do business."

Gilmore paused. His cigar had gone out; now he struck a match, but he did not take his eyes from Langham's face. He did not speak at once even when his cigar was lighted.

Great beads of perspiration stood thick on Langham's brow, his hair was damp and clammy. He was living that unspeakable moment over again, with all its madness and horror. He saw himself as he had walked scowling toward the front of the store; he had paused irresolutely with his

hand on the door-knob and then had turned back. The old merchant was standing close by the scales, a tall gaunt figure in the waning light of day.

"Why do you tell me you can't do it?" he had demanded with dull anger. "You have the money, I know that!"

"I didn't tell you I couldn't do it, Mr. Langham, I merely intimated that I wouldn't," the old man had rejoined dryly.

"You have the money in your safe!"

"What if I have? It's mine to do with as I think proper."

"A larger sum than I want—than I need!"

"Quite likely."

A furious gust of passion had laid hold of him, the consciousness of his necessity, all-compelling and relentless, swept through his brain. Money he must have!—his success, his happiness, everything depended on it, and what could money mean to this feeble old man whose days were almost spent?

"I want you to let me have two thousand dollars!" he had insisted, as he placed his hand on the old merchant's shoulder. "Get it for me; I swear I'll pay it back. I'll give you such security as I can—my note—"

McBride had laughed dryly at this, and he turned on his heel as though to reenter the office. Langham shot a quick glance about him; the store was empty, the street before it deserted; he saw through the dingy windows the swirling scarfs of white that the

wind sent flying across the Square. Now was his time if ever! Bitter resentment urged him on—it was a monstrous thing that those who coula, would not help him!

Near the scales was an anvil, and leaning against the anvil-block was a heavy sledge. As the old merchant turned from him, he had caught up the sledge and had struck him a savage blow on the head. McBride had dropped to the floor without cry or groan.

Langham passed his hand before his eyes to blot out the vision of that still figure on the floor, and a dry sob burst from his lips.

"Eh, did you speak, Marsh?" asked Gilmore.

"No," said Langham in a whisper.

Gilmore laughed.

"You are seeing just how it all happened, Marsh. There was a sledge by the anvil that stood near those scales, and when the old fellow wouldn't come to time, my man lost all restraint and snatched it up, and a second later McBride was dead. After that my man had things all his own way. He went through the safe and took what was useful to him,—and those damn bonds of North's which weren't useful,—and skipped by the side door and out over the shed roof and down the alley, just as Joe said."

Gilmore paused, and flicked away a bit of cigar ash that had lodged in a crease of his coat.

"That's the whole story of the McBride murder. Now what do you think of my theorizing, Marsh; how does it strike you?"

But Langham did not answer him. The gambler's words had brought it all back; he was living again the agony of that first conscious moment when he realized the thing he had done. He remembered his hurried search for the money, and his flight through the side door; he remembered crossing the shed roof and the panic that had seized him as he dropped into the alley beyond, unseen, safe as he supposed. A debilitating reaction, such as follows some tremendous physical effort, had quickly succeeded. He had wandered through the deserted streets seeking control of himself in vain. Finally he had gone home. Evelyn was at his father's and the servant absent for the day. He had let himself in with his latchkey and had gone at once to the library. There he fell to pacing to and fro; ten—twenty minutes had passed, when the sudden noisy clamor of the town bell had taken him, cowering, to the window; but the world beyond was a vaguely curtained white.

He raised his heavy bloodshot eyes and looked into the gambler's smiling face. He realized the futility of his act, since it had placed him irrevocably in Gilmore's power. He had endured unspeakable anguish all to no purpose, since Gilmore knew; knew with the certitude of an eye-witness. And there the gambler sat smiling and at ease, torturing him with his cunning speech.

CHAPTER FIFTEEN

LOVE THAT ENDURES

A MELANCHOLY wind raked the bare hills which rose beyond the flats, and found its way across half the housetops in Mount Hope to the solitary window that gave light and air to John North's narrow cell. For seven long days, over the intervening housetops, he had been observing those undulating hills, gazing at them until they seemed like some great live thing continually crawling along the horizon's rim, and continually disappearing in the distance. Now he was watching their misted shapes sink deep into the twilight.

North, by his counsel, had waved the usual preliminary hearing before the mayor, his case had gone at once to the grand jury, he had been indicted and his trial was set for the February term of court. Watt Harbison had warned him that he might expect only this, yet his first feeling of astonished horror remained with him.

As he stood by his window he was recalling the separate events of the day. The court room had been crowded to the verge of suffocation ; when he entered it a sudden hush and a mighty craning of necks had

202 THE JUST AND THE UNJUST

been his welcome, and he had felt his cheeks redden and pale with a sense of shame at his hapless plight. Those many pairs of eyes that were fixed on him seemed to lay bare his inmost thoughts; he had known no refuge from their pitiless insistence.

In that close overheated room the vitiated air had slowly mounted to the brain; soon a third of the spectators nodded in their chairs scarcely able to keep awake; others moved restlessly with a dull sense of physical discomfort, while the law, expressing itself in archaic terms, wound its way through a labyrinth of technicalities, and reached out hungrily for his very life.

He knew that he would be given every opportunity to establish his innocence, but he could not rid himself of the ugly disconcerting belief that a man hunt was on, and that he, the hunted creature, was to be driven from cover to cover while the state drew its threads of testimony about him strand by strand, until they finally reached his very throat, choking, strangling, killing!

He thought of Elizabeth and was infinitely sorry. She must forget him, she must go her way and leave him to go his—or the law's. He could face the ruin of his own life, but it must stop there! He wondered what they were saying and doing at Idle Hour; he wondered what the whole free world was doing, while he stood there gazing from behind his bars at the empurpled hills in the distance.

He fell to pacing the narrow limits of his room;

four steps took him to the door, then he turned and four steps took him back to his starting-point, the barred window. Presently a footfall sounded in the corridor, a key was fitted in the heavy lock, and the door was opened by Brockett, the sheriff's deputy, a round-faced, jolly, little man with a shiny bald head and a closely cropped gray mustache.

"You've got visitors, John!" said Brockett cheerfully, pausing in the doorway.

North turned on him swiftly.

"The general and Miss Herbert,—you see your friends ain't forgot you! You'll want to see them, I suppose, and you'd rather go down in the office, wouldn't you?"

"I should much prefer it!" said North.

His first emotion had been one of keen delight, but as he followed Brockett down the corridor the memory of what he was, and where he was, came back to him. He had no right to demand anything of love or friendship,—guilty or innocent mattered not at all! They were nearing the door now beyond which stood Elizabeth and her father, and North paused, placing a hand on the deputy's arm. The spirit of his renunciation had been strong within him, but another feeling was stronger still, he found; an ennobling pride in her devotion and trust. What a pity the finer things of life were so often the impractical! He pushed past the deputy and entered the office.

Elizabeth came toward him with hands extended.

204 THE JUST AND THE UNJUST

Her cheeks were quite colorless but the smile that parted her lips was infinitely tender and compassionate.

"You should not have come here!" North said, almost reproachfully, as his hands closed about hers.

General Herbert stood gravely regarding the two, and his glance when it rested on North was troubled and uncertain. The difficulties which beset this luckless fellow were only beginning, and what would the end be?

"Father!"

Elizabeth had turned toward him, and he advanced with as brave a show of cordiality as he could command; but North read and understood the look of pain in his frank gray eyes.

"You agree with me that she should never have come here," North said quietly. "But you couldn't refuse her!" he added, and his glance went back to Elizabeth.

"Under the circumstances it was right for her to come!" said the general. But in his heart he was none too sure.

"I couldn't remain away after to-day; I had been waiting for that stupid jury to act—" She ended abruptly with a little laugh that became a sob, and her father rested a large and gentle hand upon her shoulder.

"There, dear, I told you all along it wouldn't do to count on any jury!"

"My affairs are worth considering only as they

affect you, Elizabeth!" said North. "I was thinking of you when Brockett came to tell me you were here. Won't you go away from Mount Hope? I want you to forget,—no—" for she was about to speak; "wait until I have finished;—even if I am acquitted this will always be something discreditable in the eyes of the world, it's going to follow me through life! It is going to be hard for me to bear, it will be doubly hard for you, dear. I want your father to take you away and keep you away until this thing is settled. I don't want your name linked with mine; that's why I am sorry you came here, that's why you must never come here again."

"You mustn't ask me to go away from Mount Hope, John!" said Elizabeth. "I am ready and willing to face the future with you; I was never more willing than now!"

"You don't understand, Elizabeth!" said North. "We are just at the beginning. The trial, and all that, is still before us—long days of agony—"

"And you would send me away when you will most need me!" she said, with gentle reproach.

"I wish to spare you—"

"But wherever I am, it will be the same!"

"No, no,—you must forget—!"

"If I can't,—what then?" she asked, looking up into his face.

"I want you to try!" he urged.

She shook her head.

"Dear, I have lived through all this; I have asked

206 THE JUST AND THE UNJUST

myself if I really cared so much that nothing counted against the little comfort I might be to you; so much that the thought of what I am to you would outweigh every other consideration, and I am sure of myself. If I were not, I should probably wish to escape from it all. I am as much afraid of public opinion as any one, and as easily hurt, but my love has carried me beyond the point where such things matter!"

"My dear! My dear! I am not worthy of such love."

"You must let me be the judge of that."

"Suppose the verdict is—guilty?" he asked.

"No,—no, it will never be that!" But the color left her cheeks.

"I don't suppose it will be," agreed North hastily.

It was a cruel thing to force this doubt on her.

"You won't send me away, John?" she entreated.

"If I were to leave Mount Hope now it would break my heart! I—we—my father and I, wish every one to know that our confidence in you is unshaken."

North turned to the general with a look of inquiry, of appeal. Something very like a sigh escaped the older man's lips, but he squared his shoulders manfully for the burdens they must bear. He said quietly:

"Let us consider a phase of the situation that Elizabeth and I have been discussing this afternoon. Watt Harbison is no doubt doing all he can for you;

but he was at Idle Hour last night, and said he would, himself, urge on you the retention of some experienced criminal lawyer. He suggested Ex-judge Belknap; I approve of this suggestion—”

But North shook his head.

“Oh, yes, John, it must be Judge Belknap!” cried Elizabeth. “Watt says it must be, and father agrees with him!”

“But I haven’t the money, dear. His retainer would probably swallow up all I have left.”

“Leave Belknap to me, North!” interposed the general.

North’s face reddened.

“You are very kind, and I—I appreciate it all,—but don’t you see I can’t do that?” he faltered.

“Don’t be foolish, John. You must reconsider this determination; as a matter of fact I have taken the liberty of communicating with Belknap by wire; he will reach Mount Hope in the morning. We are vitally concerned, North, and you must accept help—money—whatever is necessary!”

The expression on North’s face softened, and tears stood in his eyes.

“I knew you would prove reasonable,” continued the general, and he glanced at Elizabeth.

She was everything to him. He could have wished that North was almost any one else than North; and in spite of himself this feeling gave its color to their interview, something of his wonted frankness was lacking. It was his unconscious protest.

208 THE JUST AND THE UNJUST

"Very well, then, I will see Judge Belknap, and some day—when I can—" said North, still struggling with his emotion and his pride.

"Oh, don't speak of that!" exclaimed General Herbert hastily.

"This miserable business could not have happened at a worse time for me!" said the young fellow with bitterness.

"Don't say that, John!" pleaded Elizabeth. "For your friends—"

"You and your father, you mean!" interrupted North.

"It is hard enough to think of you here alone, without—" Her voice faltered, and this time her eyes filled with tears.

"I'll not object again, Elizabeth; that you should suffer is much the worst part of the whole affair!"

Brockett had entered the room and General Herbert had drawn him aside.

"I am coming every day, John!" said Elizabeth.

"Will your father agree to that?" asked North.

"Yes, can't you see how good and kind he is!"

"Indeed I can, it is far beyond what I should be in his place, I'm afraid."

"It has been so horrible,—such nights of agony—" she whispered.

"I know, dear,—I know!" he said tenderly.

"They are not looking for other clues and yet the man who killed poor old man McBride may be somewhere in Mount Hope at this very minute!"

"Until I am proved innocent, I suppose they see nothing to do," said North.

"But, John, you are not afraid of the outcome?" And she rested a hand on his arm.

"No, I don't suppose I really am,—I shall be able to clear myself, of course; the law doesn't often punish innocent men, and I am innocent."

He spoke with quiet confidence, and her face became radiant with the hope that was in his words.

"You have taken to yourself more than your share of my evil fortunes, Elizabeth, dear—I shall be a poor sort of a fellow if my gratitude does not last to the end of my days!" said North.

The general had shaken hands with the deputy, and now crossed the room to Elizabeth and North.

"We shall have to say good night, North. Can we do anything before we go?" he asked.

"We will come again to-morrow, John,—won't we, father?" said Elizabeth, as she gave North her hands. "And Judge Belknap will be here in the morning!" She spoke with fresh courage and looked her lover straight in the eyes. Then she turned to the general.

North watched them as they passed out into the night, and even after the door had closed on them he stood where she had left him. It was only when the little deputy spoke that he roused himself from his reverie.

"Well, John, are you ready now?"

"Yes," said North.

CHAPTER SIXTEEN

AT HIS OWN DOOR

JUDGE LANGHAM sat in his library before a brisk wood fire with the day's papers in a heap on the floor beside him. In repose, the one dominant expression of the judge's face was pride, an austere pride, which manifested itself even in the most casual intercourse. Yet no man in Mount Hope combined fewer intimacies with a wider confidence, and his many years of public life had but augmented the universal respect in which he was held.

Now in the ruddy light of his own hearth, but quite divorced from any sentiment or sympathy, the judge was considering the case of John North. His mind in all its operations was singularly clear and dispassionate; a judicial calm, as though born to the bench, was habitual to him. It was nothing that his acquaintance with John North dated back to the day John North first donned knee-breeches.

He shaded his face with his hand. In the long procession of evil-doers who had gone their devious ways through the swinging baize doors of his court, North stalked as the one great criminal. Unconsciously his glance fixed itself on the hand he had

raised to shield his eyes from the light of the blazing logs, and it occurred to him that that hand might yet be called on to sign away a man's life.

The ringing of his door-bell caused him to start expectantly, and a moment later a maid entered to say that a man and a woman wished to see him.

"Show them in!" said the judge.

And Mr. Shrimplin with all that modesty of demeanor which one of his sensitive nature might be expected to feel in the presence of greatness, promptly insinuated himself into the room.

The little lamplighter was dressed in those respectable garments which in the Shrimplin household were adequately described as his "other suit," and as if to remove any doubt from the mind of the beholder that he had failed to prepare himself for the occasion, he wore a clean paper collar, but no tie, this latter being an adornment Mr. Shrimplin had not attempted in years. Close on Shrimplin's heels came a jaded unkempt woman in a black dress, worn and mended. On seeing her the judge's cold scrutiny somewhat relaxed.

"So it's you, Nellie?" he said, and motioned her to a chair opposite his own.

Not knowing exactly what was expected of him, Mr. Shrimplin remained standing in the middle of the room, hat in hand.

"Be seated, Shrimplin," said the judge, sensing something of the lamplighter's embarrassment in his presence and rather liking him for it.

212 THE JUST AND THE UNJUST

"Thank you, Judge," replied Shrimplin, selecting a straight-backed chair in a shadowy corner of the room, on the very edge of which he humbly established himself.

"Better draw nearer the fire, Shrimplin!" advised the judge.

"Thank you, Judge, I ain't cold," rejoined Mr. Shrimplin in his best manner.

The judge turned to the woman. She had once been a servant in his household, but had quitted his employ to marry Joe Montgomery, and to become by that same act Mr. Shrimplin's sister-in-law. The judge knew that her domestic life had been filled with every known variety of trouble, since from time to time she had appealed to him for help or advice, and on more than one occasion at her urgent request he had interviewed the bibulous Joe.

"I hope you are not in trouble, Nellie," he said, not unkindly.

"Yes I am, Judge!" cried his visitor in a voice worn thin by weariness.

"It's that disgustin' Joe!" interjected Mr. Shrimplin from his corner, advancing his hooked nose from the shadows. "Don't take up the judge's time, Nellie; time's money, and money's as infrequent as a white crow."

And then suddenly and painfully conscious of his verbal forwardness, the little lamplighter sank back into the grateful gloom of his corner and was mute.

"It's my man, Judge—" said Nellie.

And the judge nodded comprehendingly.

"I don't know how me and my children are to live through the winter, I declare I don't, Judge, unless he gives me a little help!"

"And the winter ain't fairly here yet, and it's got a long belly when it does come!" said Mr. Shrimplin.

Immediately the little man was conscious of the impropriety of his language. He realized that the happy and forcefully expressed philosophy with which he sought to open Custer's mind to the practical truths of life, was a jarring note in the judge's library.

"Joe's acting scandalous, Judge, just scandalous!" said Nellie with sudden shrill energy. "That man would take the soul out of a saint with his carryings-on!"

"It seems to me there is nothing new in this," observed the judge a little impatiently. "Is he under arrest?"

"No, Judge, he ain't under arrest—" began Nellie.

"Which ain't saying he hadn't ought to be!" the little lamplighter snorted savagely. He suddenly remembered he was there to give his moral support to his sister-in-law.

"That man's got a new streak into him, Judge. I thought he'd about done everything he could do that he shouldn't, but he's broke out in a fresh spot!"

214 THE JUST AND THE UNJUST

"What has he been doing, Nellie?" asked the judge, who felt that his callers had so far lacked directness and definiteness.

"What ain't he been doing, you'd better say, Judge!" cried Nellie miserably.

"Is he abusing you or the children?"

"I don't see him from one week's end to another!"

"Am I to understand that he has deserted you?" questioned the judge.

"No, I can't say that, for he sends his clothes home for me to wash and mend."

"Ain't that the human sufferin' limit?" gasped Mr. Shrimplin.

"I suppose you wash and mend them?" And the judge smiled faintly.

"Of course," admitted Mrs. Montgomery simply.

"Does he contribute anything toward your support?" asked the judge.

The woman laughed sarcastically at this.

"It takes a barkeeper to pry Joe loose from his coin," interjected Mr. Shrimplin. "Get down to details, Nellie, and tell the judge what kind of a critter you're hitched up to."

"He told Arthur, that's my oldest boy, if I didn't stop bothering him, that he was just man enough to pay five dollars for the fun of knocking the front off my face!"

"That was a choice one to hand out to an eldest son, wasn't it, your Honor?" said the little lamp-lighter, tugging at his flaxen mustache.

"I just manage to keep a roof over our heads," went on Nellie, "and without any thanks to him; but he has plenty of money, and where it comes from I'd like to know, for he ain't done a lick of work in weeks!"

"Fact, Judge!" remarked Mr. Shrimplin. "I've made it my business lately to keep one eye on Joe. He spends half his time loafin' at Andy Gilmore's rooms, and the other half gettin' pickled."

"What do you wish me to do?" asked the judge, addressing himself to Mrs. Montgomery.

"I wish, Judge, that you'd send word to him ^{that} you want to see him!"

"And toss a good healthy scare into him!" added Mr. Shrimplin aggressively.

"But he might not care to respect the summons; there is no reason why he should," explained the . . .

"If he knows you want to see him, he'll come here fast enough!" said Nellie.

The judge turned to Shrimplin.

"Will you tell him this, Shrimplin, the first time you see him?"

"Won't I!" said the little lamplighter. "Certainly, Judge—certainly!" and his agile fancy had already clothed the message in verbiage that should terrify the delinquent Joe.

"Very well, then; but beyond giving him a word of advice and warning, I can do nothing."

A night or two later, as the judge, who had spent

• 216 THE JUST AND THE UNJUST

the evening at Colonel Harbison's, came to his own gate, he saw a slouching figure detach itself from the shadows near his front door and advance to meet him midway of the graveled path that led to the street. It was Joe Montgomery.

"Well, my man!" said the judge, with some little show of sternness. "I suppose you received my message?"

Montgomery uncovered his shock of red hair, while his bulk of bone and muscle actually trembled in the presence of the small but awesome figure confronting him. He might have crushed the judge with a blow of his huge fist, but no possible provocation could have induced him to lay hands on Nellie's powerful ally.

"That skunk Shrimplin says my old woman's been here," he faltered, "poisonin' your mind agin me!" A sickly grin relaxed his heavy jaws. "The Lord only knows what she expects of a man—I dunno! The more I try, the worse she gets; nothin' satisfies her!"

His breath, reeking of whisky, reached the judge. "This is all very well, Montgomery, but I have a word or two to say to you—come into the house."

He led his disreputable visitor into the library, turned up the gas, and intrenched himself on the hearth-rug with his back to the fire. The handyman had kept near the door leading into the hall.

"Come closer!" commanded the judge, and Montgomery, hat in hand, advanced a step. "I wish to

warn you, Montgomery, that if you persist in your present course, it is certain to bring its own consequences," began the judge.

"Sure, boss!" Joe faltered abjectly.

"I understand from Nellie that you have practically deserted your family," continued the judge.

"Ain't she hateful?" cried Joe, shaking his great head.

"When she married you, she had a right to expect you would not turn out the scoundrel you are proving yourself."

"Boss, that's so," agreed Montgomery.

"This won't do!" said the judge briskly. "Nellie says she doesn't see you from one week's end to another; that you have money and yet contribute nothing toward her support nor the support of your family."

"I am willin' to go home, Judge!" said Montgomery, fingering his cap with clumsy hands. He took a step nearer the slight figure on the hearth-rug and dropped his voice to a husky half maudlin whisper. "He won't let me—see—I'm a nigger slave to him! I know I got a wife—I know I got a family, but he says—no! He says—'Joe, you damned old sot, you'll go home with a few drinks inside your freckled hide and begin to shoot off your mouth, and there'll be hell to pay for all of us!'"

"He? What are you saying—who won't let you go home?" demanded the judge.

"Andy Gilmore; he's afraid my old woman will

218 THE JUST AND THE UNJUST

get it out of me. I tell him I'm a married man but he says, 'No, you old soak, you stay here!'"

"What has Andy Gilmore to do with whether you go home or not?" inquired the judge.

"It's him and Marsh," said the handy-man. "They bully me till I'm that rattled—"

"Marsh—do you mean my son, Marshall?" interrupted the judge.

"Yes, boss—"

"I don't understand this!" said the judge after a moment of silence. "Why should Mr. Gilmore or my son wish to keep you away from your wife?"

"It's just a notion of theirs," replied Montgomery with sudden drunken loyalty. "And I'll say this—money never come so easy—and stuff to drink! Andy's got it scattered all about the place; there ain't many bars in this here town stocked up like his rooms!"

The judge devoted a moment to a close scrutiny of his caller.

"You are some sort of a relative of Mr. Gilmore's, are you not?" he asked at length.

"We're cousins, boss."

"Why does he wish to keep you away from your family?" the judge spoke after another brief pause.

"It's my old woman," and Montgomery favored the judge with a drunken leer. "Suppose I was to go home full, what's to hinder her from gettin' things out of me? I'm a talker, drunk or sober, and Andy Gilmore knows it—that's what he's afraid of!"

"What have you to tell that could affect Mr. Gilmore? Do you refer to the gambling that is supposed to go on in his rooms? If so, he is at needless pains in the matter; Mr. Moxlow will take up his case as soon as the North trial is out of the way."

Montgomery started, took a forward step, and dropping his voice to an impressive whisper, said:

"Judge, what are you goin' to do with young John North?"

"I shall do nothing with John North; it is the law—society, to which he is accountable," rejoined the judge.

"Will he be sent up, do you reckon?" asked Montgomery, and his small blue eyes searched the judge's face eagerly.

"If he is convicted, he will either be sentenced to the penitentiary for a term of years or else hanged." The judge spoke without visible feeling.

The effect of his words on the handy-man was singular. A hoarse exclamation burst from his lips, and his bloated face became pale and drawn.

"You mustn't do that, boss!" he cried, spreading out his great hands in protest. "A term of years—how many's that?"

"In this particular instance it may mean the rest of his life," said the judge.

Montgomery threw up his arms in a gesture of despair.

"Don't you be too rough on him, boss!" he cried. "For life!" he repeated in a tone of horror. "But

220 THE JUST AND THE UNJUST

that ain't what Andy and Marsh tell me; they say his friends will see him through, that he's got the general back of him, and money—how's that, Judge?"

"They are making sport of your ignorance," said the judge, almost pityingly.

"I'm done with them!" cried Joe Montgomery with a great oath. He raised one clenched hand and brought it down in the opened palm of the other. "Andy's everlastingly lied to me; I won't help send no man up for life!"

"What do you mean?" demanded the judge, astonished at this sudden outburst, and impressed, in spite of himself, by the man's earnestness.

"Just what I say, boss! They can count me out—I'm agin 'em, I'm agin 'em every time!" And again, as if to give force to his words, he swung his heavy fist around and struck the open palm of his other hand a stinging blow. "Eatin' and sleepin', I'm agin 'em! I ain't liked the look of this from the first, and now I'm down and out, and they can go to hell for all of me!"

The judge rested an elbow on the chimneypiece and regarded Montgomery curiously. He knew the man was drunk; he knew that sober he would probably have said much less than he was now saying, but he also knew that there was some powerful feeling back of his words.

"If you are involved in any questionable manner with Mr. Gilmore, I should advise you to think twice

before you go further with it. Mr. Gilmore is shrewd, he has money; you are a poor man and you are an ignorant man. Your reputation is none of the best."

"Thank you, boss!" said Montgomery gratefully.

"Mr. Gilmore probably expects to use you for his own ends regardless of the consequences to you," finished the judge.

"Supposin'—" began the handy-man huskily, "supposin', boss, I was to go into court and swear to something that wasn't so; what's that?" and he bent a searching glance on the judge's face.

"Perjury," said the judge laconically.

"What's it worth to a man? I reckon it's like drinkin' and stealin', it's got so many days and costs chalked up agin it?"

"I think," said the judge quietly, "that you would better tell me what you mean. Ordinarily I should not care to mix in your concerns, but on Nellie's account—"

"God take a likin' to you, boss!" cried Montgomery. "I know I ought to have kept out of this. I told Andy Gilmore how it would be, that I hadn't the brains for it; but he was to stand back of me. And so he will—to give me a kick and a shove when he's done with me!"

He saw himself caught in that treacherous fabric Gilmore had erected for John North, whose powerful friends would get him clear. Andy and Marsh would go unscathed, too. Only Joe Montgomery

would suffer—Joe Montgomery, penniless and friendless, a cur in the gutter for any decent man to kick! He passed the back of his hand across his face.

"It's a hell of a world and be damned to it!" he muttered hoarsely under his breath.

"You must make it clearer to me than this!" said the judge impatiently.

Montgomery seemed to undergo a brief but intense mental struggle, then he blurted out:

"Boss, I lied when I said it was North I seen come over old man McBride's shed that night!"

"Do you mean to tell me that you perjured yourself in the North case?" asked the judge sternly.

"Sure, I lied!" said the handy-man. "But Andy Gilmore was back of that lie; it was him told me what I was to say, and it's him that kept houndin' me, puttin' me up to say more than I ever agreed to!" He slouched nearer the judge. 'Boss, I chuck up the whole business; do you understand? I want to take back all I said; I'm willin' to tell the God A'mighty's truth!"

He paused abruptly. In his excitement he had forgotten what the truth meant, what it would mean to the man before him. He was vaguely aware that in abler hands than his own, this knowledge which he possessed would have been molded into a terrible weapon, but he was impotent to use it; with every advantage his, he felt only the desperate pass in which he had placed himself. If Gilmore and

Marshall Langham could juggle with John North's life, what of his own life when the judge should have become their ally!

"Me and you'll have to fix up what I got to say, boss!" he added with a cunning grin.

"Do you mean you wish to make a statement to me?" asked the judge.

The handy-man nodded. The judge hesitated.

"Perhaps we world better send for Mr. Moxlow?" he suggested.

But Montgomery shook his head vehemently.

"I got nothin' to say to that man Moxlow!" he growled with sullen determination.

"Very well, then, if you prefer to make your statement to me," and the judge turned to his desk.

"Hold on, boss, we ain't ready for that just yet!" Joe objected. He was sober enough, by this time.

"What is it you wish to tell me?"

And the judge resumed his former position on the hearth-rug.

"First you got to agree to get me out of this."

"I can agree to nothing," answered the judge quietly.

"I ain't smart, boss, but Joe Montgomery's old hide means a whole lot to Joe Montgomery! You give me your word that I'll be safe, no matter what happens!"

"I can promise you nothing," repeated the judge.

"Then what's the use of my tellin' you the truth?" demanded Montgomery.

224 THE JUST AND THE UNJUST

"It has become the part of wisdom, since you have already admitted that you have perjured yourself."

"Boss, if it wasn't John North I seen in the alley that day, who was it?" and he strode close to the judge's side, dropping his voice to a whisper.

"Perhaps the whole story was a lie."

The handy-man laughed and drew himself up aggressively.

"I'm a man as can do damage—I got to be treated right, or by the Lord I'll *do* damage! I been badgered and hounded by Marsh and Andy Gilmore till I'm fair crazy. They got to take their hands off me and leave me loose, for I won't hang no man on their say-so! John North never done me no harm, I got nothing agin him!"

"You have admitted that your whole story of seeing John North on the night of the McBride murder is a lie," said the judge.

"Boss, there is truth enough in it to hang a man!"

"You saw a man cross McBride's sheds?"

And the judge kept his eyes fastened on the handy-man's face.

"I seen a man cross McBride's shed, boss."

"And you have sworn that that man was John North."

"I swore to a lie. Boss, we got to fix it this way: I seen a man come over the roof and drop into the alley; I swore it was John North, but I never meant to swear to that; the most I promised Andy was that I'd say I thought it *looked* like John North,

but them infernal lawyers got after me, and the first thing I knowed I'd said it *was* John North!"

"Your story is absurd!" exclaimed the judge, with a show of anger.

The handy-man raised his right hand dramatically.

"It's God A'mighty's everlastin' truth!" he swore.

"Understand, I have made you no promises," said the judge, disregarding him.

"You're goin' back on me!" cried Montgomery. "Then you look out. I'm a man as can do harm if I have a mind to, don't you give me the mind, boss!"

"I shall lay this matter before Mr. Moxlow in the morning," replied the judge quietly and with apparent indifference, but covertly he was watching the effect of his words on Montgomery.

"And then they'll be after me!" cried the handy-

man.

"Very likely," said the judge placidly.

Montgomery glanced about as though he half expected to see Gilmore rise up out of some shadowy corner.

"Boss, do you want to know who it was I seen come over old man McBride's shed? Do you want to know why Andy and Marsh are so set agin my goin' home to my old woman? Why they give me money? It's a pity I ain't a smarter man! I'd own 'em, both body and soul!"

"Man, you are mad!" cried the judge.

226 THE JUST AND THE UNJUST

But this man who was usually austere and always unafraid, was feeling a strange terror of the debased and slouching figure before him.

"Do you reckon you're man enough to hear what I got in me to tell?" asked Montgomery, again raising his right hand high above his head as if he called on Heaven to witness the truth of what he said. "Why won't they let me go home to my old woman, boss? Why do they keep me at Andy Gilmore's—why do they give me money? Because what I'm tellin' you is all a lie, I suppose! Just because they like old Joe Montgomery and want him 'round! I don't think!" He threw back his head and laughed with rough sarcasm. "You're a smarter man than me, boss; figure it out; give a reason for it!"

But the judge, white-faced and shaken to his very soul, was silent; yet he guessed no part of the terrible truth Montgomery supposed he had made plain to him. At the most he believed Marshall was shielding Gilmore from the consequences of a crime the gambler had committed.

Montgomery, sinister and menacing, shuffled across the room and then back to the judge's side.

"You ask Marsh, boss, what it all means. I got nothin' more to say! Ask him who killed old man McBride! If he don't know, no man on this green earth does!"

The judge's face twitched convulsively, but he made no answer to this.

"Ask him!" repeated the handy-man, and swinging awkwardly on his heel went from the room without a single backward glance.

An instant later the street-door closed with a noisy bang.

CHAPTER SEVENTEEN

AN UNWILLING GUEST

MONTGOMERY told himself he would go home; he had seen the last of the gambler and Marsh Langham, he would look out for his own skin now and they could look out for theirs. He laughed boisterously as he strode along. He had fooled them both; he, Joe Montgomery, had done this, and by a very master stroke of cunning had tied the judge's hands. But as he shuffled down the street he saw the welcoming lights of Lonigan's saloon and suddenly remembered there was good hard money in his ragged pockets. He would have just one drink and then go home to his old woman.

It was well on toward midnight when he came out on the street again, and the one drink had become many drinks; still mindful of his original purpose, however, he reeled across the Square on his way home. He had just turned into Mulberry Street when he became conscious of a brisk step on the pavement at his side, and at the same instant a heavy hand descended on his shoulder and he found himself looking into Andy Gilmore's dark face.

"Where have you been?" demanded Gilmore. "I thought I told you to stay about to-night!"

"I have been down to Lonigan's saloon," faltered Joe, his courage going from him at sight of the gambler.

"What took you there?" asked Gilmore angrily. "Don't you get enough to drink at my place?"

"Lots to drink, boss, but it's mostly too rich for my blood. I ain't used to bein' so pampered."

"Come along with me!" said Gilmore briefly.

"Where to, boss?" asked Montgomery, in feeble protest.

"You'll know presently."

"I thought I'd like to go home, maybe—" said Joe irresolutely.

"Never mind what you thought you'd like, you come with me!" insisted Gilmore.

Although the handy-man's first impulse had been that of revolt, he now followed the gambler meekly back across the Square. They entered the building at the corner of Main Street and mounted to Mr. Gilmore's rooms. The latter silently unlocked the door and motioned Montgomery to precede him into the apartment, then he followed, pausing midway of the room to turn up the gas which was burning low. Next he divested himself of his hat and coat, and going to a bufet which stood between the two heavily curtained windows that overlooked the Square, found a decanter and glasses. These he brought to

230 THE JUST AND THE UNJUST

the center-table, where he leisurely poured his unwilling guest a drink.

"Here, you old sot, soak this up!" he said genially.

"Boss, I want to go home to my old woman!" began the handy-man, after he had emptied his glass.

"Your old woman will keep!" retorted Gilmore shortly.

"But, boss, I got to go to her; the judge says I must! She's been there to see him; damn it, she cried and hollered and took on awful because she ain't seein' me; it was pitiful!"

"What's that?" demanded Gilmore sharply.

"It was pitiful!" repeated Montgomery, shaking his great head dolorously.

"Oh, cut that! Who have you seen?"

"Judge Langham."

"When did you see him?"

Mr. Gilmore spoke with a forced calm.

"To-night. My old woman—"

"Oh, to hell with your old woman!" shouted the gambler furiously. "Do you mean that you were at Judge Langham's to-night?"

"Yes, boss; he sent for me, see? I had to go!" explained Montgomery.

"Why did you go there without letting me know, you drunken loafer?" stormed Gilmore.

He took the handy-man by the arm and pushed him into a chair, then he stood above him, black-browed and menacing.

"Boss, don't you blame me, it was my old woman;

she wants me home with the kids and her, and the judge, he says I got to go!"

"If he wants to know why I'm keeping you here, send him round to me!" said Gilmore.

"All right, I will." And Montgomery staggered to his feet.

But Gilmore pushed him back into his chair.

"What else did you talk about besides your old woman?" asked the gambler, after an oppressive silence in which Montgomery heard only the thump of his heart against his ribs.

"I told him you'd always been like a father to me—" said the handy-man, ready to weep.

"I'm obliged to you for that!" replied Gilmore with a smile of grim humor.

"He said he always knowed it," added Montgomery, misled by the smile.

"Well, what else?" questioned Gilmore.

"Why, I reckon that was about all!" said Joe, who had ventured as far afield into the realms of fancy as his drunken faculties would allow.

"You're sure about that?"

"I hope I may die—"

"And the judge says you're to go home?"

"Say, Shrimp took my old woman there, and she cried and bellered and carried on awful! She loves me, boss—the judge says I'm to go home to her to-night or he'll have me pinched. He says that you and Marsh ain't to keep me here no longer!"

His voice rose into a wail, for blind terror was

232 THE JUST AND THE UNJUST

laying hold of him. There was something, a look on Gilmore's handsome cruel face, he did not understand but which filled him with miserable foreboding.

"What's that, about Marsh and me keeping you here?" inquired Gilmore.

"You got to leave me loose—"

"So you told him that?"

"I had to tell him somethin'. My old woman made an awful f iss! They had to throw water on her; Shrimp took her home in an express-wagon. Hell, boss, I'm a married man—I got a family! I know what I ought to do, and I'm goin' home, the judge says I got to! Him and me talked it all over, and he's goin' to speak to Marsh about keepin' me here!"

"So you've told him we keep you here?" And the gambler glowered at him. He poured himself a drink of whisky and swallowed it at a gulp. "Well, what else did you tell him?" he asked over the rim of his glass.

"That's about all; only me and the judge understand each other," said the handy-man vaguely.

"Well, it was enough!" rejoined Gilmore. "You are sure you didn't say anything about North?"

Montgomery shook his head in vigorous denial.

"Sure?" repeated Gilmore, his glance intent and piercing. "Sure?"

A sickly pallor was overspreading the handyman's flame-colored visage. It began at his heavy

puffy jaws, and diffused itself about his cheeks. He could feel it spread.

"Sure?" said the gambler. "Sure?"

There was an awful pause. Gilmore carefully replaced his glass on the table, then he roared in a voice of thunder:

"Stand up, you hound!"

Montgomery realized that the consequences of his treachery were to be swift and terrible. He came slowly to his feet, but no sooner had he gained them than Gilmore drove his fist into his face, and he collapsed on his chair.

"Stand up!" roared Gilmore again.

And again Montgomery came erect only to be knocked back into a sitting posture, with a long gash across his jaw where the gambler's diamond ring had left its mark.

"I tell you, stand up!" cried Gilmore.

Reaching forward he seized Montgomery by the throat with his left hand and jerked him to his feet, then holding him so, he coolly battered his face with his free hand.

"For God's sake, quit, boss—you're killin' me!" cried Joe, as he vainly sought to protect his face with his arms.

But Mr. Gilmore had a primitive prejudice in favor of brute force, and the cruel blows continued until Montgomery seemed to lose power even to attempt to shield himself; his great hands hung helpless at his side and his head fell over on his shoul-

234 THE JUST AND THE UNJUST

der. Seeing which the gambler released his victim, who, limp and quivering, dropped to the floor.

Still crazed with rage, Gilmore kicked the handyman into a corner, and turning poured himself still another drink of whisky. If he had spoken then of what was uppermost in his mind, it would have been to complain of the rotten luck which in so ticklish a business had furnished him with fools and sots for associates. He should have known better than to have trusted drunken Joe Montgomery; he should have kept out of the whole business—

With the suddenness of revelation he realized his own predicament, but with the realization came the knowledge that he was now hopelessly involved; that he could not go back; that he must go on, or—here he threw back his shoulders as though to cast off his evil forebodings—or between the dusk of one day and the dawn of another, he might disappear from Mount Hope.

With this cheering possibility in mind, he picked up the glass of whisky beside him and emptied it at a single draught, then he put on his overcoat and hat and went from the room, locking the door behind him.

Presently the wretched heap on the floor stirred and moaned feebly, and then lay still. A little later it moaned again. Lifting his head he stared vacantly about him.

“Boss—” he began in a tone of entreaty, but real-

izing that he was alone he fell weakly to cursing Gilmore.

It was a good five minutes from the time he recovered consciousness until he was able to assume a sitting posture, when he rested his battered face in his hands and nursed his bruises.

"And me his cousin!" he muttered, and groaned again.

He feebly wiped his bloody hands on the legs of his trousers and by an effort staggered to his feet. His only idea was escape; and steadying himself he managed to reach the door; but the door was locked, and he flung himself down in a convenient chair and once more fell to nursing his wounds.

Fifteen or twenty minutes had passed when he heard steps in the hallway. He knew it was Gilmore returning, but the gambler was not alone; Montgomery heard him speak to his companion as a key was fitted to the lock. The door swung open and Gilmore, followed by Marshall Langham, entered the room.

"Here's the drunken hound, Marsh!" said the gambler.

"For God's sake, boss, let me out of this!" cried Montgomery, addressing himself to Langham.

"Yes, we will—like hell!" said Gilmore. "By rights we ought to take you down to the creek, knock you in the head and heave you in—eh, Marsh? That's about the size of what we *ought* to do!"

236 THE JUST AND THE UNJUST .

Langham's face was white and drawn with apprehension, yet he surveyed the ruin the gambler had wrought with something like pity.

"Why, what's happened to him, Andy?" he asked. His companion laughed brutally.

"Oh, I punched him up some, I couldn't keep my hands off him, I only wonder I didn't kill him—"

"Let me out of this, boss—" whined the handyman.

"Shut up, you!" said the gambler roughly.

He drew back his hand, but Langham caught his arm.

"Don't do that, Andy!" he said. "He isn't in any shape to stand much more of that; and what's the use, the harm's done!"

The gambler scowled on his cousin Joe with moody resentment.

"All the same I've got a good notion to finish the job!" he said.

"Let me go home, boss!" entreated Montgomery, still addressing himself to Langham. "God's sake, he pretty near killed me!"

He stood up on shaking legs.

Wretched, abject, his uneasy glance shifted first from one to the other of his patrons, who were now his judges, and for aught he knew would be his executioners as well. The gambler glared back at him with an expression of set ferocity which told him he need expect no mercy from that source; but with

Langham it was different; he at least was not wantonly brutal. The sight of physical suffering always distressed him and Joe's bruised and bloody face was more than he could bear to look at.

"For two cents I'd knock him ~~the~~ the head!" jerked out Gilmore.

"Oh, quit, Andy; let him alone" — "I want to ask him a question or two," said Langham.

"You'll never know from him what he said or didn't say—you'll learn that from the judge himself," and Gilmore laughed harshly.

A minute or two passed before Langham could trust himself to speak. When he did, he turned to Montgomery to ask:

"I wish you'd tell me as nearly as you can what you said to my father?"

"I didn't go there to tell him anything, boss; he just got it out of me. What chance has a slob like me with him?"

"Got what out of you?" questioned Langham in a low voice.

"Well, he didn't get much, boss," replied Montgomery, shaking his head.

"But what did you tell him?" insisted Langham.

"I don't remember, boss, I was full, see—and maybe I said too much and then agin maybe I didn't!"

"I hope you like this, Marsh; it's the sort of thing I been up against," said Gilmore.

By way of answer Langham made a weary gesture. The horror of the situation was now a thing beyond fear.

"I'm for sending the drunken loafer to the other side of the continent," said Gilmore.

"What's the use of that?" asked Langham dully.

"Every use," rejoined Gilmore with fresh confidence. "It's enough, ain't it, that he's talked to your father; we can't take chances on his talking to any one else. There's the west-bound express; I'm for putting him on that—there's time enough. We can give him a couple of hundred dollars and that will be the end of him, for if he ever shows his face here in Mount Hope, I'll break every bone in his body. What do you say?"

"Perhaps you are right!" And Langham glanced uncertainly at the handy-man.

"Well, it's either that, or else I can knock him over the head. Perhaps you had rather do that, it's more in your line."

"Boss, you give me the money and let me go now, and I won't *ever* come back!" cried Montgomery eagerly. "I been lookin' for the chance to get clear of this bum town! I'll stay away, don't you lose no sleep about that; I ain't got nothin' to ever bring me back."

And on the moment Mr. Montgomery banished from his mind and heart all idea of the pure joys of domestic life. It was as if his old woman had never been. He was sure travel was what he re-

quired, and a great deal of it, and all in one direction—away from Mount Hope.

No unnecessary time was wasted on Montgomery's appearance. A wet towel in the not too gentle hands of Mr. Gilmore removed the blood stains from his face, and then he was led forth into the night,—the night which so completely swallowed up all trace of him that his old woman and her brood sought his accustomed haunts in vain. Nor was Mr. Moxlow any more successful in his efforts to discover the handy-man's whereabouts. As for Mount Hope she saw in the mysterious disappearance of the star witness only the devious activities of John North's friends.

CHAPTER EIGHTEEN

FATHER AND SON

WHILE Mr. Gilmore was an exceedingly capable accomplice, at once resourceful, energetic, unsentimental and conscienceless, he yet combined with these solid merits, certain characteristics which rendered uninterrupted intercourse with him a horror and a shame to Marshall Langham who was daily and almost hourly paying the price the gambler had set on his silence. And what a price it was! Gilmore was his master, coarse, brutal, and fiercely exacting. How he hated him, and yet how necessary he had become; for the gambler never faltered, was never uncertain; he met each difficulty with a callous readiness which Langham knew he himself would utterly have lacked. He decided this was because Gilmore was without imagination, since in his own many fearful, doubting moments, he saw always what he had come to believe as the inevitable time when the wicked fabric they were building would collapse like a house of cards in a gale of wind, and his terrible secret would be revealed to all men.

All this while, step by step, Gilmore, without

haste but without pause, was moving toward his desires. He came and went in the Langham house as if he were master there.

When Marshall had first informed Evelyn that he expected to have Mr. Gilmore in to dinner, there had been a scene, and she had threatened to appeal to the judge; but he told her fiercely that he would bring home whom he pleased, that it suited him to be decent to Andy and that was all there was to it. And apparently she soon found something to like in this strange intimate of her husband's; at least she had made no protest after the gambler's first visit to the house.

On his part Gilmore was quickly conscious of the subtle encouragement she extended him. She understood him, she saw into his soul, she divined his passion for her and she was not shocked by it. In his unholy musings he told himself that here was a woman who was dead game—and a lady, too, with all the pretty ways and refinements that were so lacking in the other women he had known.

Montgomery was some two days gone toward the West and Gilmore had dropped around ostensibly to see Marshall Langham, but in reality to make love to Marshall Langham's wife, when the judge, looking gray and old, walked in on the little group unobserved. He paused for an instant near the door.

Evelyn was seated before the piano and Gilmore was bending above her, while Marshall, with an un-

242 THE JUST AND THE UNJUST

read book in his hands and with a half-smoked cigar between his teeth, was lounging in front of the fire. The judge's glance rested questioningly on Gilmore, but only for a moment. Then an angry flame of recognition colored his thin cheeks.

Aware now of his father's presence, Marshall tossed aside his book and quitted his chair. For two days he had been dreading this meeting, and for two days he had done what he could to avert it.

"You must have had a rather cold walk, father; let me draw a chair up close to the fire for you," he said.

Evelyn had risen to greet the judge, while the gambler turned to give him an easy nod. A smile hid itself in the shadow of his black mustache; he was feeling very sure of himself and surer still of Evelyn. The disfavor or approval of this slight man of sixty meant nothing to him.

"How do you do, sir!" said the judge with icy civility.

Had he met Gilmore on the street he would not have spoken to him. As he slowly withdrew his eyes from the gambler, he said to his son:

"Can you spare me a moment or two, Marshall?"

"Come into the library," and Marshall led the way from the room.

They walked the length of the hall in silence, Marshall a step or two in advance of the judge. He knew his father was there on no trivial errand. This visit was the result of his interview with Joe

Montgomery. How much had the handy-man told him? This was the question that had been revolving in his mind for the last two days, and he was about to find an answer to it.

The father and son entered the room, each heavily preoccupied. Marshall seated himself and stared moodily into the fire. Already the judge had found a chair and his glance was fixed on the carpet at his feet. Presently looking up he asked:

"Will you be good enough to tell me what that fellow is doing here?"

"Andy?"

The single word came from Langham as with a weary acceptance of his father's anger.

"Yes, certainly—Gilmore—of whom do you imagine me to be speaking?"

"Give a dog a bad name—"

"He has earned his name. I had heard something of this but did not credit it!" said the judge.

There was another pause.

"Perhaps you will be good enough to explain how I happen to meet that fellow here?"

The judge regarded his son fixedly. There had always existed a cordial frankness in their intercourse, for though the judge was a man of few intimacies, family ties meant much to him, and these ties were now all centered in his son. He had shown infinite patience with Marshall's turbulent youth; an even greater patience with his dissipated manhood; he believed that in spite of the terrible drafts he was

244 THE JUST AND THE UNJUST

making on his energies, his future would not be lacking in solid and worthy achievement. In his own case the traditional vice of the Langhams had passed him by. He was grateful for this, but it had never provoked in him any spirit of self-righteousness; indeed, it had only made him the more tender in his judgment of his son's lapses.

"Marshall—" and the tone of anger had quite faded from his voice—"Marshall, what is that fellow's hold on you?"

"You would not appreciate Andy's peculiar virtues even if I were to try to describe them," said Marshall with a smile of sardonic humor.

"Do you consider him the right sort of a person to bring into your home?"

"It won't hurt him!" said Marshall.

The judge, with a look on his face that mingled astonishment and injury, sank back in his chair. He never attempted anything that even faintly suggested flippancy, and he was unappreciative of this tendency in others.

"You have not told me what this fellow's hold on you is?" he said, after a moment's silence.

"Oh, he's done me one or two good turns."

"You mean in the way of money?"

Marshall nodded.

"Are you in his debt now, may I ask?"

"No," and Marshall moved restlessly.

"Are you quite frank with me, Marshall?" asked

the judge with that rare gentleness of voice and manner that only his son knew.

"Quite."

"Because it would be better to make every sacrifice and be rid of the obligation."

Another long pause followed in which there came to the ears of the two men the sound of a noisy waltz that Evelyn was playing. Again it was the judge who broke the oppressive silence.

"I came here to-night, Marshall, because there is a matter I must discuss with you. Perhaps you will tell me what you and Gilmore have done with Joe Montgomery?"

Marshall had sought to prepare himself against the time when this very question should be asked him, but the color left his cheeks.

"I don't think I know what you mean," he said slowly.

His father made an impatient gesture.

"Don't tell me that! What has become of Montgomery? Look at me! Two nights ago he came to see me; I had sent for him; I had learned from Nellie that he had practically deserted her. I learned further from the man himself that you and Gilmore were largely responsible for this."

"He was drunk, of course."

"He had been drinking—yes—"

"Doesn't that explain his remarkable statement? What reason could Andy or any one have for wish-

246 THE JUST AND THE UNJUST

ing to keep him from his wife?" asked Marshall, who had recovered his accustomed steadiness.

"He was ready with an answer for that question when I asked it. Do you wish to know what that answer was?" said the judge.

Marshall did not trust himself to speak; he felt the judge's eyes on him and could not meet them. He saw himself towering there in his chair with his guilt stamped large on every feature. His throat was dry and his lips were parched, he did not know whether he could speak. His shoulders drooped and his chin rested on his breast. What was the use —was it worth the struggle? Suppose Montgomery, in spite of his promises, came back to Mount Hope, suppose Gilmore's iron nerve failed him!

"You don't answer me, Marshall," said the judge.

"I don't understand you—" evaded Marshall.

"From my soul I wish I could believe you!" exclaimed his father. "If it's not debt, what is the nature of your discreditable connection with Gilmore?"

Marshall glanced up quickly; he seemed to breathe again; perhaps after all Montgomery had said less than he supposed him to have said!

"I have already told you that I owe Gilmore nothing!"

"I should be glad to think it, but I warn you to stand clear of him and his concerns, for I am going to investigate the truth of Montgomery's story," declared the judge.

"What did he tell you?" Marshall spoke with an effort.

"That his evidence in the North case was false, that it was inspired by Gilmore."

Marshall passed a shaking hand across his face.

"Nonsense!" he said.

"His story will be worth looking into. He stood for the truth of what he said in part, he insisted that he saw a man cross McBride's shed on the night of the murder and drop into the alley, and the man was not John North. He seemed unwilling that North, through any instrumentality of his, should suffer for a crime of which he was innocent; his feeling on this point was unfeigned and unmistakable."

There was silence again, while the two men stared at each other. From the parlor the jarring sound of the music reached them, inconceivably out of harmony with the seriousness of their mood.

"I have wished to take no action in the matter of Montgomery's disappearance until I saw you, Marshall," said the judge. "I have been sick with this thing! Now I am going to lay such facts as I have before Moxlow."

Marshall stared moodily into the fire. He told himself that the prosecuting attorney would be in great luck if he got anything out of Gilmore.

"I purpose to suggest to Moxlow a fresh line of investigation where this important witness is concerned, and Mr. Gilmore as the man most likely to

248 THE JUST AND THE UNJUST

clear up the mystery surrounding his disappearance from Mount Hope. We may not be able to get anything very tangible out of him in the way of information, but I imagine we may cause him some little anxiety and annoyance. You can't afford to be mixed up in this affair, and I warn you again to stand clear of Gilmore! If there is any truth in Montgomery's statement it can only have the most sinister significance, for I don't need to tell you that some powerful motive must be back of Gilmore's activity. If North was not responsible for McBride's death, where do the indications all point? Who more likely to commit such a crime than a social outcast—a man plying an illegal trade in defiance of the laws?"

"Hush! For God's sake speak lower!" cried Marshall, giving way to an uncontrollable emotion of terror.

Racked and shaken, he stared about him as if he feared another presence in the room. The judge leaned forward and rested a thin hand on his son's knee.

"Marshall, what do you know of Gilmore's connection with this matter?"

"I want him let alone! To lay such stress on Montgomery's drunken talk is absurd!"

The judge's lips met in a determined line.

"I scarcely expected to hear that from you! I am not likely, as you know, to be influenced in the discharge of my duty by any private consideration."

He quitted his chair and stood erect, his figure drawn to its fullest height.

"Wait—I didn't mean that," protested Marshall. The judge resumed his chair.

"What did you mean?" he asked.

"What's the use of throwing Moxlow off on a fresh scent?"

"That's a very remarkable point of view!" said the judge, with a mirthless laugh.

In the utter selfishness that his fear had engendered, it seemed a monstrous thing to Langham that any one should wish to clear North, in whose conviction lay his own salvation. More than this, he had every reason to hate North, and if he were hanged it would be but a roundabout meting out of justice for that hideous wrong he had done him, the shame of which was ever present. He saw one other thing clearly, the necessity that Gilmore should be left alone; for the very moment the gambler felt the judge was moving against him, that moment would come his fierce demands that he be called off—that Marshall quiet him, no matter how.

"Have you been near North since his arrest?" asked the judge, apparently speaking at random.

"No," said Marshall.

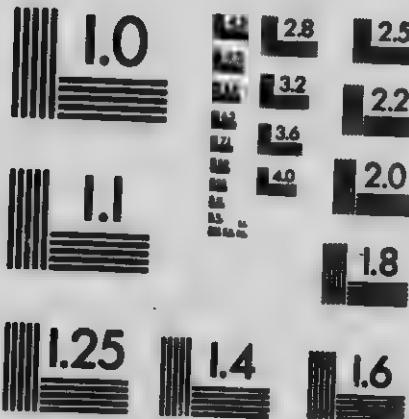
"May I ask if you are offended because of his choice of counsel?"

"That has nothing to do with it!" said the younger man, moving impatiently in his chair.

"I do not like your attitude in this matter, Mar-



MICROCOPY RESOLUTION TEST CHART
(ANSI and ISO TEST CHART No. 2)



APPLIED IMAGE Inc

1653 East Main Street
Rochester, New York 14609 USA
(716) 482-0300 - Phone
(716) 288-5989 - Fax

250 THE JUST AND THE UNJUST

shall; I like it as little as I understand it. But I have given my warning. Keep clear of that fellow Gilmore, do not involve yourself in his fortunes, or the result may prove disastrous to you!"

"I want him let alone!" said Marshall doggedly, speaking with desperate resolution.

"Why?" asked the judge.

"Because it is better for all concerned; you—you don't know what you're meddling with—"

He quitted his chair and fell to pacing to and fro. His father's glance, uncertain and uneasy, followed him as he crossed and recrossed the room.

"I find I can not agree with you, Marshall!" said the judge at length. "I do not like hints, and unless you can deal with me with greater frankness than you have yet done, there is not much use in prolonging this discussion."

"As you like, then," replied Marshall, wheeling on him with sudden recklessness. "I want to tell you just this—you'll not hurt Gilmore, but—"

Words failed him, and his voice died away on his white and twitching lips into an inarticulate murmur.

He struggled vainly to recover the mastery of himself, but his fear, now the growth of his many days and nights of torture, would not let him finish what he had started to say.

"Very good, I don't want to hurt anybody, but I do want to find that man, whoever he is, that you and Gilmore are shielding; the man Joe Montgom-

ery saw cross those sheds the night of the murder; I am going to bend my every energy to learning whⁿ that man is, and when I have discovered his identity—”

“You’ll want to see him in North’s place, will you?” asked Marshall. The words came from him in a hoarse whisper and his arm was extended threateningly toward his father. “You’re sure about that? You can’t conceive of the possibility that you’d be glad not to know? You want to have John North out of his cell and this other man there in his place; you want to face him day after day in the court room—you’re sure?” His shaking arm continued to menace the judge. “Well, you don’t need to find Montgomery, and you don’t need to hound Gilmore; I can tell you more than they can—”

His bloodshot eyes, fixed and staring, seemed starting from their sockets.

“The facts you want to know are hidden here!” He struck his hand savagely against his breast and lurched half-way across the room, then he swung about and once more faced the judge. “Why haven’t you had the wisdom to keep out of this,—or have you expected to find some one it would be easier to pronounce sentence on than North? Did you think it would be Gilmore?”

He scowled down on his fat. . . It was appalling and unnatural, after all his frightful suffering, his fear, and his remorse which never left him, that his safety should be jeopardized by his own father! He

had only asked that the law be left to deal with John North, who, he believed, had so wronged him that no death he could die would atone for the injury he had done.

Slowly but inexorably the full significance of Marshall's words dawned on the judge. He had risen from his chair dumb and terror-stricken. For a moment they stood without speech, each staring into the other's face. Presently the judge stole to Marshall's side.

"Tell me that I misunderstand you!" he whispered in entreaty, resting a tremulous hand on his son's arm.

But the latter was bitterly resentful. His father had forced this confession from him, he had given him no choice!

"Why should I tell you that now?" he asked, as he roughly shook off his father's hand.

"Tell me I misunderstand you!" repeated the judge, in a tone of abject entreaty.

"It's too late!" said Marshall, his voice a mere whisper between parched lips. He tossed up his arms in a gesture that betokened his utter weariness of soul. "My God, how I've suffered!" he said chokingly, and his eyes were wet with the sudden anguish of self-pity.

"Marshall!"

The judge spoke in protest of his words.

Marshall turned abruptly from him and crossed the room. The spirit of his fierce resentment was

dying within him, for, after all, what did it signify how his father learned his secret!

From the parlor there still came the strains of light music; these and Marshall's echoing tread as he strode to and fro, filled in the ghastly silence that succeeded. Then at length he paused before his father, and once more they looked deep into each other's eyes, and the little space between was for both as an open grave filled with dead things—hopes, ambitions, future days and months and years—days and months and years when they should be for ever mindful of his crime! For henceforth they were to dwell in the chill of this direful shadow that would tower above all the concerns of life whether great or small; that would add despair to every sorrow, and take the very soul and substance from every joy.

The judge dropped into his chair, but his wavering glance still searched his son's face for some sign that should tell him, not what he already knew but what he hoped might be,—that Marshall was either drunk or crazed; but he only saw there the reflection of his own terror. He buried his head in his hands and bitter age-worn sobs shook his bent shoulders.

After a moment of sullen waiting for him to recover, Marshall approached and touched him on the arm.

"Father—" he whispered gently.

The judge glanced up.

"It's a lie, Marshall!"

254 THE JUST AND THE UNJUST

But Marshall only stared at him until the judge again covered his face with his hands.

When he glanced up a few moments later, he found himself alone. Marshall had stolen from the room.

CHAPTER NINETEEN

SHRIMPLIN TO THE RESCUE

B^{EYOND} the flats and the railroad tracks and over across the new high, iron bridge, was a low-lying region much affected by the drivers of dump-carts, whose activity was visibly attested by the cinders, the ashes, the tin cans, the staved-in barrels and the lidless boxes that everywhere met the eye.

On the verge of this waste, which civilization had builded and shaped with its discarded odds and ends, were the meager beginnings of a poor suburb. Here an enterprising landlord had erected a solitary row of slab-sided dwellings of a uniform ugliness; and had given to each a single coat of yellow paint of such exceeding thinness, that it was possible to determine by the whiter daubs of putty showing through, just where every nail had been driven.

Only the very poorest or the most shiftless of Mount Hope's population found a refuge in this quarter. The Montgomerys being strictly eligible, it was but natural that Joe should have taken up his abode here on the day the first of the eight houses had been finished. Joe was burdened by no trou-

256 THE JUST AND THE UNJUST

blesome convictions touching the advantages of a gravelly soil or a southern exposure, and the word sanitation had it been spoken in his presence would have conveyed no meaning to his mind. He had never heard of germs, and he had as little prejudice concerning stagnant water as he had predilection for clear water. He knew in a general way that all water was wet, but further than this he gave the element no thought.

Thus it came about that his was the very oldest family seated in this delectable spot. The young Montgomerys could with perfect propriety claim precedence at all the stagnant pools that offered superior advantages as yielding a rich harvest of tadpoles. While the mature intelligence might have considered these miniature lakes as highly undesirable, the young Montgomerys were not unmindful of their blessings. As babies, clothed in shapeless garments, they launched upon the green slime their tiny fleet of chips, and, grown a little older, it was here they waded in the happy summer days. The very dump-carts came and went like perpetual argosies, bringing riches—discarded furniture and cast-off clothing—to their very door.

In merciful defiance of those hidden perils that lurk where sanitation and hygiene are unpractised sciences, Joe's numerous family thrived and multiplied. The baby carriage which had held his first-born,—Arthur, now aged fourteen,—was still in use, the luster of its paint much dimmed and its

SHRIMPLIN TO THE RESCUE 257

upholstery but a memory. It had trundled a succession of little Montgomerys among the cinder piles; indeed, it was almost a feature of the landscape, for Joe's family was his chiefest contribution to the wealth of his country.

There had been periods varying from a few days to a few weeks when the Montgomerys were sole tenants of that row of slab-sided houses; their poverty being a fixed condition, they were merely sometimes poorer. No transient gleam of a larger prosperity had ever illuminated the horizon of their lives, and they had never been tempted to move to other parts of the town where the ground and the rents were higher.

Residents of this locality, not being burdened with any means of locomotion beyond their own legs, usually came and went by way of the high iron bridge; their legal right of way however was by a neglected thoroughfare that had ambitiously set out to be a street, but having failed of its intention, presently dwindled to a pleasant country road which not far beyond crossed the river by the old wooden bridge below the depot.

It was the iron bridge which Mrs. Montgomery, escorted by the daring Shrimplin, had crossed that fateful night of her interview with Judge Langham, and it was toward it that her glance was turned for many days after in the hope that she might see Joe's bulk of bone and muscle as he slouched in the direction of the home and family he had so want-

258 THE JUST AND THE UNJUST

only forsaken. But a veil of mystery obscured every fact that bore on the handy-man's disappearance; no eye penetrated it, no hand lifted it.

Soon after Montgomery's disappearance his deserted wife fell upon evil times indeed. In spite of her bravest efforts the rent fell hopelessly in arrears. For a time her pride kept her away from the Shrimplins, who might have helped her. To go to the little lamplighter's was to hear bitter truths about her husband; Mr. Shrimplin's denunciations were especially fierce and scathing, for here he felt that righteousness was all on his side and that in abusing the absconding Joe he was performing a moral act.

But at last Nellie's fortunes reached a crisis. An obdurate landlord set her few poor belongings in the gutter. Even in the most prosperous days their roof-tree had flourished but precariously and now it was down and level with the dust; seeing which Mrs. Montgomery placed her youngest in the ancient vehicle which had tried all that generation of Montgomerys, drew her apron before her eyes and wept. But quickly rallying to the need for immediate action she swallowed her pride and sent Arthur in quest of his uncle, who was well fitted by sobriety, industry and thrift, to cope with such a crisis.

Mr. Shrimplin's only weaknesses were such as spring from an eager childlike vanity, and a nature as shy as a fawn's of whatever held even a suggestion of danger. To Custer he could brag of

SHRIMPLIN TO THE RESCUE 259

crimes he had never committed, but an unpaid butcher's bill would have roused him of his sleep; also he wore a very tender heart in his narrow chest, though he did his best to hide it by assuming a bold and hardy air and by garnishing his conversation with what he counted the very flower of a brutal worldly cynicism.

Thus it was that when Arthur had found his uncle and had stated his case, Mr. Shrimplin instantly summoned to his aid all his redoubtable powers of speech and fell to cursing the recreant husband and father. Having eased himself in this manner, and not wishing Arthur to be entirely unmindful of his vast superiority, he called the boy's attention to the undeniable fact that he, Shrimplin, could have been kicked out of doors and Joe Montgomery would not have lifted a hand to save him. Yet all this while the little lamplighter, with the boy at his heels, was moving rapidly across the flats.

From the town end of the bridge, youthful eyes had descried his coming and the word was quickly passed that the uncle of all the little Montgomerys was approaching, presumably with philanthropic intent. This rumor instantly stimulated an interest on the part of the adult population, an interest which had somewhat languished owing to the incapacity of human nature to sustain an emotional climax for any considerable length of time. Untidy women and idle-looking men with the rust of inaction consuming them, quickly appeared on the scene, and when

260 THE JUST AND THE UNJUST

the little lamplighter descended from the railway tracks it was to be greeted with something like an ovation at the hands of his sister-in-law's neighbors.

His ears caught the murmur of approval that passed from lip to lip and out of the very tail of his bleached eyes he noted the expression of satisfaction that was on every face. Even the previously obdurate landlord met him with words of apology and conciliation. It was a happy moment for Mr. Shrimplin, but not by so much as the flicker of an eyelash did he betray that this was so. He had considered himself such a public character since the night of the McBride murder that he now deemed it incumbent to preserve a stoic manner; the admiration of his fellows could win nothing from the sternness of his nature, so he ignored the neighbors, while he was barely civil to the landlord. The big roll of bills which, with something of a flourish, he produced from the pocket of his greasy overalls, settled the rent, and the neighbors noted with bated breath that the size of this roll was not perceptibly diminished by the transaction.

Presently Mr. Shrimplin found himself standing alone with Nellie; the landlord had departed with his money, while the neighbors, having devoted the greater part of the day to a sympathetic interest in Mrs. Montgomery's fortunes, now had leisure for their own affairs.

"Why didn't you send for me sooner?" demanded the little man with some asperity. "No sense in hav-

SHRIMPLIN TO THE RESCUE 261

ing your things put out like this when you only got to put them back again!"

"If Joe was only here this would never have happened!" said Mrs. Montgomery, giving way to copious tears.

But Mr. Shrimplin seemed not so sure of this. The settling of the handy-man's difficulties had been one of the few extravagances he had permitted himself. His glance now fell on the small occupant of the decrepit baby carriage, and he gave a start of astonishment.

"Lord!" he ejaculated, pointing to the child. "You don't mean to tell me that's yours, too?"

"Three weeks next Sunday," said Mrs. Montgomery.

"Another one,—well, I don't wonder you've kept still about it! What's the use of bringing children into the world when you can't half take care of 'em?"

"I didn't keep still about it,—only I had so much to worry me!" said Nellie, with a shadowy sort of resentment at the little lamplighter's words and manner.

"It's a nice-looking baby!" admitted Mr. Shrimplin, relenting.

"It's a boy, see—he's got his father's eyes and nose—"

"I don't know about the eyes, but the nose is a durn sight whiter than Joe's! Maybe, though, when it's Joe's age it will use the same brand of paint."

262 THE JUST AND THE UNJUST

"What you got it in for Joe for? He never done nothing to you!" said Joe's wife, with palpable offense.

"He ought to be stood up and lammed over the head with a club!" observed Mr. Shrimplin, with considerable acrimony of tone. "You'd have thought that being a witness would have made a man out of Joe if anything would,—and how does he act? Why, he lights out; he gets to be good for something beside soaking up whisky and spoiling his insides, and he skips the town; now if that ain't a devil of a way for him to act, I'd like to know what you call it!"

"He was a good man—" declared Mrs. Montgomery with conviction. "A good man, but unfortunate!"

"Well, if he suits you, Nellie—"

"He does!"

"I'm glad of it," retorted Mr. Shrimplin, taking a chew of tobacco. "For I don't reckon he'd ever suit any one else!"

"You and none of my family never liked Joe!" said Mrs. Montgomery.

"Well, why should we?" demanded Mr. Shrimplin impatiently.

"Your wife,—my own sister, too,—said he should never darken her door, and he was that proud he never did! You couldn't have dragged him there!" said Mrs. Montgomery, and the ready tears dimmed her eyes.

"And you couldn't have dragged him away quick enough if he had a-come! Now don't you get tearful over Joe, you can't call him no prodigal; his veal's tough old beef by this time! But I never had nothing in particular against him more than I thought he ought to be kicked clean off the face of the earth!" said Mr. Shrimplin, rolling his drooping flaxen mustache fiercely between his stubby thumb and its neighboring forefinger.

Such personal relations as the little lamplighter had sustained with the handy-man had invariably been of the most friendly and pacific description. Esteeming Joe a gentleman of uncertain habits, and of criminal instincts that might at any moment be translated into vigorous action, Mr. Shrimplin had always been at much pains to placate him. In the heat of the moment, however, all this was forgotten, and Mr. Shrimplin's love of decency and rectitude promptly asserted itself.

"It's easy enough to pick flaws in a popular good-looking man like Joe!" said Mrs. Montgomery, with whom time and absence had been at work, also, and to such an extent that the first dim glint of a halo was beginning to fix itself about the curly red head of her delinquent spouse.

"And a whole lot of good them good looks of his has done you, Nellie," rejoined Mr. Shrimplin, with a little cackle of mirth.

"He never even seen his youngest!" said Mrs. Montgomery, giving completely away to tears at

this moving thought of the handy-man's deprivation.

"I reckon he could even stand that," observed Mr. Shrimplin unfeelingly. "I bet he never knowed 'em apart."

"Why he was just wrapped up in them and me,—just wrapped up!" cried Mrs. Montgomery.

"Well, he had a blame curious way of showing it; no one would ever have suspected it of him!" said Mr. Shrimplin.

"I guess this wouldn't have happened if his own folks had had more faith in Joe, that's what wore on him,—I seen it wear on him!" declared Mrs. Montgomery, in a tone of melancholy conviction.

"In the main I'm a truthful man, Nellie,—I wish to be anyhow; and I'll tell you honest I was never able to see much in Joe aside from his good looks, which I know he had, now that you call them to mind. No,—I think a coat of tar and feathers would be about the thing for Joe; he's the sort of bird to wear that kind of plumage. My opinion is that you've seen the last of him; no sense in your thinking otherwise, because you're just leaving yourself open to disappointment!"

Yet Mr. Shrimplin remained to reinstate Mrs. Montgomery in her home. It was his expert hands that set up the cracked and rusted kitchen stove, and arranged the scanty and battered furniture in the several rooms. Nor was he satisfied to do merely this, for he presently despatched Arthur into

SHRIMPLIN TO THE RESCUE 265

town after an excellent assortment of groceries. All the while, however, he neglected no opportunity to elaborate for Nellie's benefit his opinions concerning the handy-man's utter worthlessness. At length this good Samaritan paused from his labors, and regaling himself with a fresh chew of tobacco and a parting gibe at Joe, set briskly off for his own home.

The street lamps demanded his immediate attention, and it was not until his day's work was finished that he found opportunity to tell Mrs. Shrimplin of these straits to which Nellie had been reduced. He concluded by reiterating his opinion that her sister had seen the last of Joe.

"I don't know why you say that!" was Mrs. Shrimplin's unexpected rejoinder.

"Ain't I got mighty good reason to say it?" asked her husband. "Don't you know, and ain't every one always said Joe was just too low to live? I'd like to know if it wasn't you said he should never set his foot inside your door?"

"I might say it again, and then I mightn't," rejoined Mrs. Shrimplin, with aggravating composure.

Two days later when the Shrimplins were at breakfast Mrs. Montgomery walked in on them. Her face was streaked with the traces of recent tears, but there was the light of happy vindication in her eyes, and a soiled and crumpled letter in her hand.

"Mercy, Nellie!" exclaimed her sister. "What's the matter now?"

266 THE JUST AND THE UNJUST

"Matter? Why, I'm so happy I just don't know what to do! I've heard from my Joe!"

Mrs. Shrimplin rested her hands on her hips and surveyed Nellie with eyes that seemed to hold pity and contempt in about equal proportion.

"You've heard from Joe! Well, if he was my husband he'd have heard from me long ago!" she said.

And it occurred to Mr. Shrimplin that his wife was wonderfully consistent in her inconsistencies.

"Well, and what have *you* got against Joe?" demanded Mrs. Montgomery with ready anger.

"She ain't got nothing new, Nellie!" said Mr. Shrimplin, desirous of preserving the peace.

"Well, she's mighty quick to misjudge him! Look!" and she drew from the envelope she held in her hand a dirty greenback. "He's sent me twenty dollars—my man has! Does that look like he'd forgotten me or his children?" protested Nellie, in a voice of happy triumph.

"I'll bet it's counterfeit; I'd go slow on trying to pass it," said Mr. Shrimplin when he had somewhat recovered from the shock of the sudden announcement.

It was plain that Nellie had never thought of any such possibility as this, for the light died out of her eyes.

"How can I find out whether it's good or not?" she faltered.

"Let me look at it!" said Mr. Shrimplin.

Mrs. Montgomery placed the bill in his hands.

SHRIMPLIN TO THE RESCUE 267

Her face was keen and pinched with anxiety as she awaited the little man's verdict.

"It's genu-ine all right," he at length admitted grudgingly.

"I knew it was!" cried Nellie, her miserable suspicions put at rest.

"Well, you'd better spend it quick and get some good of it before old Joe comes back and wants the change!" advised Mr. Shrimplin.

"What does he say?" questioned Mrs. Shrimplin.

"He don't say a word, there was nothing but the bill."

"Well, maybe it wasn't Joe sent it after all!" said the little lamplighter.

"The writing on the envelope's his, I'd know it anywhere. I guess he couldn't trust himself to write; but he'll come back, my man will! Maybe he's on his way now!" exclaimed Nellie.

"Ain't there no postmark?" asked Mrs. Shrimplin.

"Why, I never thought to look!"

But Nellie's face fell when she did look.

"It was mailed at Denver!" she said, in an awe-struck voice.

Her man seemed at the very ends of the earth, and his return became a doubtful thing.

"Well, I wouldn't talk about this to the police or anybody; they ain't been able to find Joe, and I wouldn't be the one to tell them where he's at!" advised Mr. Shrimplin.

"They've stopped coming to the house," said Nellie.

But she looked inquiringly at Mr. Shrimplin. Where the police were concerned she had faith in his masculine understanding; Joe had always seemed to know a great deal about the police, she remembered.

"I reckon old Joe had his own reasons for skipping out, and they must have looked good to him. No, I can't see that you are bound to help the police; the police ain't helped you." And Mr. Shrimplin returned to the scrutiny of the bill in his hand.

That was the profound mystery. No one knew better than he that Joe was not given to such prodigal generosity; neither were twenty-dollar bills frequent with him.

CHAPTER TWENTY

THE CAT AND THE MOUSE

MR. GILMORE, having yielded once again to temptation, found himself at Marshall Langham's door. He asked for the lawyer, but was informed he was not at home, a fact of which Mr. Gilmore was perfectly well aware, since he had parted from him not twenty minutes before at the court-house steps. Mrs. Langham was at home, however, and at this welcome information the gambler, smiling, strode into the hall.

From the parlor, Evelyn heard his voice. She had found him amusing in the first days of their acquaintance, and possibly she might again find him diverting, but this afternoon he had chosen ill for his call. She was quite sure she detested him. For the first time she measured him by standards of which he could know nothing, and found no good thing in him. What had Marsh meant when he forced this most undesirable acquaintance on her!

"You wanted to see Marsh?" she asked, as she gave him her hand.

"That will keep," said Gilmore cheerfully. "May I stay?" he added.

"If you wish," she answered indifferently.

She felt a sense of shame at his presence there. Everything about her seemed to sink to his level, which was a very low level, she was sure. These afternoon calls were a recent feature of their intimacy. Before Gilmore came, she had been thinking for the hundredth time of John North—the man she had once loved and now hated, but in whose honor she had such confidence that she knew he would face death rather than compromise her. In spite of the fact that he had scorned her, had thrown her aside for another, she had had on his account many a soul-rending struggle with her conscience, with her better self. She knew that a word from her, and his prison doors would open to a free world. Time and again this word had trembled on her lips unuttered. She knew also that it was not hate of North that kept her silent. It was an intangible, unformed, unthoughtout fear of what might follow after. North, she knew, was innocent; who then was guilty? She closed her eyes and shut her lips. That North would ultimately clear himself she never seriously doubted, and yet the burden of her secret was intolerable. In her present mood, she was accessible to every passing influence, and to-day it was Gilmore's fate to find her both penitent and rebellious, but he could not know this, he only knew that she was quieter than usual.

He seated himself at her side, and his eyes, eager

THE CAT AND THE MOUSE 271

and animated, fed on her beauty. He had come to the belief that only the lightest barriers stood between himself and Evelyn Langham, and it was a question in his mind of just how much he would be willing to sacrifice for her sake. He boasted nothing in the way of position or reputation, and no act of his could possibly add to the disfavor in which he was already held; but to leave Mount Hope meant certain definite financial losses; this had served as a check on his ardor, for where money was concerned Gilmore was cautious. But his passion was coming to be the supreme thing in his life; a fortunate chance had placed him where he now stood in relation to her, and chance again, as unkind as it had been kind, might separate them. The set of Gilmore's heavy jaws became tense with this thought and with the ruthless strength of his purpose. He would shake down one sensation for Mount Hope before he got away,—and he would not go alone.

"I suppose you were at the trial to-day?" Evelyn said.

"Yes, I was there for a little while this afternoon," he answered. "It's rather tame yet, they're still fussing over the jury."

"How is Jack bearing it?" she asked.

Her question seemed to depress Gilmore.

"Why do you care about how he takes it? I don't suppose he sees any fun in it,—he didn't look to me as if he did," he said slowly.

272 THE JUST AND THE UNJUST

"But how did he *seem* to you?"

"Oh, he's got nerve enough, if that's what you mean!"

"Poor Jack!" she murmured softly.

"If you're curious, why don't you go take a look at poor Jack? He'll be there all right for the next few weeks," said the gambler, watching her narrowly.

"I'm afraid Marsh might object."

At this Gilmore threw back his head and laughed.

"Excuse me!" he said; and in explanation of his sudden mirth, he added: "The idea of your trotting out Marsh to me!"

"I'm not trotting him out to you,—as you call it," Evelyn said quietly, but her small foot tapped the floor. She intended presently to rid herself of Gilmore for all time.

"Yes, but I was afraid you were going to."

"You mustn't speak to me as you do; I have done nothing to give you the privilege."

Gilmore did not seem at all abashed at this reproof.

"If you want to go to the trial I'll take you, and I'll agree to make it all right with Marsh afterward; what do you say?" he asked.

Evelyn smiled brightly, but she did not explain to him the utter impossibility of their appearing in public together either at the North trial or anywhere else for the matter of that; there were bounds

THE CAT AND THE MOUSE 273

set even to her reckless disregard of what Mount Hope held to be right and proper.

"Oh, no, you're very kind, but I don't think I should care to see poor Jack now."

She gave a little shiver of horror as if at the mere idea. This was for the gambler, but her real feeling was far deeper than he, suspicious as he was, could possibly know.

"Why do you 'poor Jack' him to me?" said Gilmore sullenly.

Evelyn opened her fine eyes in apparent astonishment.

"He is one of my oldest friends. I have known him all my life!" she said.

"Well, one's friends should keep out of the sort of trouble he's made for himself," observed Gilmore in surly tones.

"Yes,—perhaps—" answered Evelyn absently.

"Look here, I don't want to talk to you about North anyhow; can't we hit on some other topic?" asked Gilmore.

It maddened him even to think of the part the accused man had played in her life.

"Why have you and Marsh turned against him?" she asked.

The gambler considered for an instant.

"Do you really want to know? Well, you see he wasn't square; that does a man up quicker than anything else."

"I don't believe it!" she cried.

"It's so,—ask Marsh; we found him to be an all-right crook; then's when we quit him," he said, nodding and smiling grimly.

There was something in his manner which warned her that his real meaning was intentionally obscured. She remembered that Marsh had once boasted of having proof that she was in North's rooms the afternoon of the murder and it flashed across her mind that if any one really knew of her presence there it was Gilmore himself. She studied him furtively, and she observed that his black waxed mustache shaded a pair of lips that wore a mirthless smile, and what had at first been no more than an undesired suspicion grew into a certainty. Gilmore shifted uneasily in his chair. He felt that since their last meeting he had lost ground with her.

"What's the matter,—why do you keep me at arm's length; what have I done, anyhow?" he asked impatiently.

"Do I keep you at arm's length? Well, perhaps you need to be kept there," she said.

"You should know what brings me here,—why it is I can't keep away—"

"How should I know, unless you tell me?" she said softly.

Gilmore bent toward her, his eyes lustrous with suppressed feeling.

THE CAT AND THE MOUSE 275

"Isn't that another of your little jokes, Evelyn? Do you really want me to tell you?"

"I am dying with curiosity!"

Voice and manner seemed to encourage, and the gambler felt his heart leap within him.

"Well, I guess it's principally to see you!" he muttered, but his lips quivered with emotion.

She laughed.

"Just see how mistaken one may be, Andy; I thought all along it was Marsh!"

At her use of his Christian name his heavy face became radiant. His purposes were usually allied to an admirable directness of speech that never left one long in doubt as to his full meaning.

"Look here, aren't you about sick of Marsh?" he asked. "How long are you going to stand for this sort of thing? You have a right to expect something better than he has to offer you!"

She met the glance of his burning black eyes with undisturbed serenity, but a cruel smile had come again to the corners of her mouth. She was preparing to settle her score with Gilmore in a fashion he would not soon forget. One of her hands rested on the arm of her chair, and the gambler's ringed fingers closed about it; but apparently she was unaware of this; at least she did not seek to withdraw it.

"By God, you're pretty!" he cried.

"What do you mean?" she asked quietly.

276 THE JUST AND THE UNJUST

"Mean,—don't you know that I love you? Have I got to make it plain that I care for you,—that you are everything to me?" he asked, bending toward her.

"So you care a great deal about me, do you, Andy?" she asked slowly.

"I like to hear you call me that!" he said with a deep breath.

"What is it, Andy—what do you want?" she continued.

"You—you!" he said hoarsely; his face was white, he had come to the end of long days of hope and doubt; he had battered down every obstacle that stood in his path and he was telling her of his love, nor did she seem unwilling to hear him. "You are the whole thing to me! I have loved you always—ever since I first saw you! Tell me you'll quit this place with me—I swear I'll make you happy—"

His face was very close to hers, and guessing his purpose she snatched away her hand. Then she laughed.

As the sound of her merriment fell on Gilmore's startled ears, there swiftly came to him the consciousness that something was wrong.

"You and your love-making are very funny, Mr. Gilmore; but there is one thing you don't seem to understand. There is such a thing as taste in selection even when it has ceased to be a matter of morals. I don't like you, Mr. Gilmore. You amused me, but you are merely tiresome now."

THE CAT AND THE MOUSE 277

She spoke with deliberate contempt, and his face turned white and then scarlet, as if under the sting of a lash.

"If you were a man—" he began, infuriated by the insolence of her speech.

"If I were a man I should be quite able to take care of myself. Understand, I am seeing you for the last time—"

"Yes, by God, you are!" he cried.

His face was ashen. He had come to his feet, shaken and uncertain. It was as if each word of hers had been a stab.

"I am glad we can agree so perfectly on that point. Will you kindly close the hall door as you go out?"

She turned from him and took up a book from the table at her elbow. Gilmore moved toward the door, but paused irresolutely. His first feeling of furious rage was now tempered by a sense of coming loss. This was to be the end; he was never to see her again! He swung about on his heel. She was already turning the leaves of her book, apparently oblivious of his presence.

"Am I to believe you—" he faltered.

She looked up and her eyes met his. There was nothing in her glance to indicate that she comprehended the depth of his suffering.

"Yes," she said, with a drawing in of her full lips.

"When I leave you—if you really mean that—I will be to leave Mount Hope!" said he appealingly.

The savage vigor that was normally his had deserted him, his very pride was gone; a sudden mistrust of himself was humbling him; he felt wretchedly out of place; he was even dimly conscious of his own baseness while he was for the moment blinded to the cruelty of her conduct. Under his breath he cursed himself. By his too great haste, by a too great frankness he had fooled away his chances with her.

"That is more than I dared hope," Evelyn rejoined composedly.

"If I've offended you—" began Gilmore.

"Your presence offends me," she interrupted and looked past him to the door.

"You don't mean what you say—Evelyn—" he said earnestly.

"My cook might have been flattered by your proposal; but why you should have thought I would be, is utterly incomprehensible."

Gilmore's face became livid on the instant. A storm of abuse rushed to his lips but he held himself in check. Then without a word or a glance he passed from the room.

CHAPTER TWENTY-ONE

THE HOUSE OF CARDS

THE long day had been devoted to the choosing of the twelve men who should say whether John North was innocent or guilty, but at last court adjourned and Marshall Langham, pushing through the crowd that was emptying itself into the street, turned away in the direction of his home.

For no single instant during the day had he been able to take his eyes from his father's face. He had heard almost nothing of what was said, it was only when the coldly impersonal tones of the judge's voice reached him out of, what was to him silence, that he was stung to a full comprehension of what was going on about him. The faces of the crowd had blended until they were as indistinguishable as the face of humanity itself. For him there had been but the one tragic presence in that dingy room; and now—as the dull gray winter twilight enveloped him,—wherever he turned his eyes, on the snow-covered pavement, in the bare branches of the trees,—there he saw, endlessly repeated, the white drawn face of his father.

His capacity for endurance seemed to measure it-

self against the slow days. A week—two weeks—and the trial would end, but how? If the verdict was guilty, North's friends would still continue their fight for his life. He must sustain himself beyond what he felt to be the utmost limit of his powers; and always, day after day, there would be that face with its sunken eyes and bloodless lips, to summon him into its presence.

He found himself at his own door, and paused uncertainly. He passed a tremulous hand before his eyes. Was he sure of Gilmore,—was he sure of Evelyn, who must know that North was innocent? The thought of her roused in him all his bitter sense of hurt and injury. North had trampled on his confidence and friendship! The lines of his face grew hard. This was to be his revenge,—his by every right, and his fears should rob him of no part of it!

He pushed open the door and entered the unlighted hall, then with a grumbled oath because of the darkness, passed on into the sitting-room. Except for such light as a bed of soft coal in the grate gave out, the room was clothed in uncertainty. He stumbled against a chair and swore again savagely. He was answered by a soft laugh, and then he saw Evelyn seated in the big arm-chair at one side of the fireplace.

"Did you hurt yourself, Marsh?" she asked.

Langham growled an unintelligible reply and dropped heavily into a chair. He brought with him the fumes of whisky and stale tobacco, and as these

reached her across the intervening space Evelyn made a little grimace in the half light.

"I declare, Marsh, you are hardly fit to enter a respectable house!" she said.

In spite of his doubt of her, they were not on the worst of terms, there were still times when he resumed his old rôle of the lover, when he held her drifting fancy in something of the potent spell he had once been able to weave about her. Whatever their life together, it was far from commonplace, with its poverty and extravagance, its quarrelings and its reconciliations, while back of it all, deep-rooted in the very dregs of existence, was his passionate love. Even his brutal indifference was but one of the many phases of his love; it was a manifestation of his revolt against his sense of dependence, a dependence which made it possible for him to love where his faith was destroyed and his trust gone absolutely. Evelyn was vaguely conscious of this and she was not sure but that she required just such a life as theirs had become, but that she would have been infinitely bored with a man far more worth while than Marshall Langham. From his seat by the fire Langham scowled across at her, but the scowl was lost in the darkness.

"Your father was here last evening, Marsh," Evelyn said at length, remembering she had not seen him the night before, and that he had breakfasted and gone before she was up that morning.

"What did he come for?" her husband asked.

"I think to see you. Poor man, he doesn't seem able to get the run of the hours you keep; I told him he could always find you here between four and eight in the morning. I must say this little insight into your domestic habits appeared to distress him, but I tried to comfort him,—I told him you would probably outlive us all." She laughed softly. "Andy was here this afternoon, Marsh," she went on.

"What the devil did he want?"

"I don't know."

"Is he coming back?"

"He didn't mention it, if he is." And again she laughed.

I angham moved impatiently; her low full-throated mirth jarred on his somber mood.

"Were you in court to-day, Marsh?" she inquired, after a short silence.

"Yes," he answered briefly.

"Were there many there?"

"Yes."

"Any ladies, Marsh?" she questioned, with sudden eagerness.

"If you can call them that," he growled.

"Do you know, Marsh, I had a strong impulse to go, too. Would you have been astonished to see me there?" she asked tentatively.

"We won't have any of that,—do you understand?" he said with fierce authority.

"Why not? It's as right for me as it is for any one else, isn't it?"

"I won't *have* it!" he said, lifting his voice slightly.

She had risen and now stood leaning against the arm of his chair.

"Marsh, he didn't kill McBride; he couldn't,—he wouldn't harm a mouse!"

Her words set him raging.

"Keep quiet, will you,—what do you know about it, anyhow?" he cried with sullen ferocity.

"Don't be rude, Marsh! So you don't want me to come to the trial,—you tell me I can't?"

"Did my father say anything about this matter,—the trial, I mean?" asked Langham haltingly.

"Yes, I think he spoke of it, but I really wasn't interested because you see I am so sure John North is innocent!"

He caught one of her hands in his and drew her down on the arm of his chair where he could look into her eyes.

"There is just one question I want to ask you, Evelyn, but I expect you'll answer it as you choose," he said, with his face close to hers.

"Then why ask it?" she said.

"Why,—because I want to know. Where were you on the day of the murder,—between five and six o'clock?"

"I wish you'd let me go, Marsh; you're hurting me—" she complained.

She struggled for a moment to release herself from his grasp, then realizing that her effort was of no avail, she quietly resumed her former position on the arm of his chair.

"You must answer my question, come—where were you?" Langham commanded.

He brought his face close to hers and she saw that his eyes burnt with an unhealthy light.

"How silly of you, Marsh, you know it was Thanksgiving day,—that we dined with your father."

"I am not asking you about that,—that was later!"

"I suppose I was on my way there at the hour you mention."

"No, you weren't; you were in North's rooms!"

"If you were not drunk, I should be angry with you, Marsh,—you are insulting—"

He quitted his hold on her and staggered to his feet.

"You were with North—" he roared.

"Do you want the servants to hear you?" she asked in an angry whisper.

"Hell!"

He made a step toward her, his hand raised.

"Don't do that, Marsh. I should never forgive you!"

Evelyn faced him, meeting his wild glance with unshaken composure. The clenched hand fell at his side.

"My God, I ought to kill you!" he muttered.

She made him no answer, but kept her eyes fixed steadily on his face.

"You *were* with North!" Langham repeated.

"Well, since you wish me to say it, I was with John North, but what of that?"

"In his rooms—" he jerked out.

"No,—now you are asking too much of me!"

"I have proof,—proof, that you went to his rooms that day!" he stormed.

"I did nothing of the sort, and I am not going to quarrel with you while you are drunk!"

Drunk he was, but not as she understood drunkenness. In the terrible extremity to which his crime had brought him he was having recourse to drugs.

"You say you have proof,—don't be absurd, Marsh, you know you haven't!" she added uneasily.

"You *were* with North in his rooms—" he insisted.

He was conscious of a strange wonder at himself that he could believe this, and yet aside from such gusts of rage as these, his doubt of her made no difference in their life together. Surely this was the measure of his degradation.

"I am not going to discuss this matter with you!" Evelyn said.

"Aren't you? Well, I guess you will. Do you know you may be summoned into court?"

"Why?" she demanded, with a nervous start.

"North may want to prove that he was in his

rooms at the hour the murder is supposed to have been committed; all he needs is your testimony,—it would make a nice scandal, wouldn't it?"

"Has he asked this?" Evelyn questioned.

"Not yet!"

"Then I don't think he ever will," she said quietly.

"Do you suppose he will be fool enough to go to the penitentiary, or hang, to save *your* reputation?" Langham asked harshly.

"I think Jack North would be almost fool enough for that," she answered with conviction.

"Well, I don't,—you were too easy,—men don't risk their necks for your sort!" he mocked. "Look here, you had an infatuation for North,—you admitted it,—only this time it went too far! What was the trouble, did he get sick of the business and throw you over?"

"How coarse you are, Marsh!" and she colored angrily, not at his words, however, but at the memory of that last meeting with North.

"It's a damn rotten business, and I'll call it by what name I please! If you are summoned, it will be your word against his; you have told me you were not in his rooms—"

"I was *not* there—" she said, and as she said it she wondered why she did not tell the truth, admit the whole thing and have it over with. She was tired of the wrangling, and her hatred of North had given way to pity, yet when Langham replied:

"All right. You are my wife, and North can

hang, but he shan't save himself by ruining you if I can help it!"

She answered: "I have told you that I wasn't there, Marsh."

"Would you swear that you weren't there?" Langham asked eagerly.

"Yes—"

"Even if it sent him to the penitentiary?" he persisted.

"Yes."

He took her by the shoulders and drew her near to him that he might look deep into her eyes.

"Even if it hanged him?" he rasped out.

She felt his hot breath on her cheek; she looked into his face, fierce, cruel, with the insane selfishness of his one great fear.

"Answer me,—would you let him hang?" and he shook her roughly.

"Would I let him hang—" she repeated.

"Yes—"

"I—I don't know!" she said in a frightened whisper.

"No, damn you, I can't trust you!" and he flung her from him.

There was a brief silence. The intangible, unformed, unthoughtout fear that had kept her silent was crystallizing into a very tangible conviction. Marshall had expressed more than the mere desire to be revenged on North, she saw that he was swayed by the mastering emotion of fear, rather

than by his blazing hate of the suspected man. Slowly but surely there came to her an understanding of his swift descent during the last months.

"Marsh—" she began, and hesitated.

A scarcely articulate snarl from Langham seemed to encourage her to go on.

"Marsh, where does the money come from that you—that we—have been spending so lavishly this winter?"

"From my practice," he said, but his face was averted.

She gave a frightened laugh.

"Oh, no, Marsh, I know better than that!"

He swung about on her.

"Well," he stormed, "what do you know?"

"Hush, Marsh!" she implored, in sudden terror of him.

He gave her a sullen glare.

"Oh, very well, bring the whole damn thing rattling down about our ears!" he cried.

"Marsh,—what do you mean? Do you know that John North is innocent?" She spoke with terrifying deliberation.

For a moment they stood staring into each other's eyes. The delicate pallor deepened on her face, and she sank half fainting into a chair, but her accusing gaze was still fixed on Langham.

He strode to her side, and his hand gripped hers with a cruel force.

"Let him prove that he is innocent if he can, but

without help from you! You keep still no matter what happens, do you hear? Or God knows where this thing will end—or how!"

"Marsh, what am I to think!"

"You can think what you like so long as you keep still—"

There was a hesitating step in the hall, the door was pushed open, and Judge Langham paused on the threshold.

"May I come in?" he said.

Neither spoke, and his uneasy glance shifted back and forth from husband to wife. In that wordless instant their common knowledge manifested itself to each one of the three.

CHAPTER TWENTY-TWO

GOOD MEN AND TRUE

THE North trial was Mount Hope's one vital sensation. Day after day the courtroom was filled with eager perspiring humanity, while in their homes, on the streets and in the stores men talked of little else. As for North himself, he was conscious of a curious sense of long acquaintance with the courtroom; its staring white walls and crowded benches seemed his accustomed surroundings, and here, with a feeling that was something between fear and weariness, he followed each stage of the elaborate game Judge Belknap, for the defense, and Moxlow, for the prosecution, were playing, the game that had his life for its stake.

When court adjourned, always in the twilight of those mid-winter afternoons, there were his brief comforting interviews with Elizabeth; and then the long solitary evenings in his cell; and the longer nights, restless and disturbed. The strain told fearfully on his vigor of body and mind, his face under imprisonment's pallid mask, became gaunt and heavily lined, while his eyes sunk deep in their sockets.

At first he had not believed that an innocent man

could be punished for a crime of which he had no knowledge; he was not so sure of this now, for the days slipped past and the prosecution remained firmly entrenched behind certain facts which were in their way, conclusive. He told himself with grim humor that the single weak strand in the rope Moxlow was seeking to fit about his neck was this, that after all was said and proved, the fact remained, he had not killed Archibald McBride!

When the last witness for the state had been examined, North took the stand in his own behalf. His cross-examination was concluded one dull February day, and there came a brief halt in the rapid progress of the trial; the jury was sent from the room while Moxlow and Belknap prepared instructions and submitted them to the court. The judge listened wearily, his sunken cheek resting against the palm of his thin hand, and his gaze fixed on vacancy; when he spoke his voice was scarcely audible. Once he paused in the middle of a sentence as his glance fell on the heavy upturned face of his son, for he saw fear and entreaty written on the close-drawn lips and in the bloodshot eyes.

A little later in the twilight North, with the sheriff at his elbow, walked down the long corridor on his way to the jail. The end was close at hand, a day or two more and his fate would be decided. The hopelessness of the situation appalled him, stupefied him. The evidence of his guilt seemed overwhelming; he wondered how Elizabeth retained her faith

in him. He always came back to his thought of her, and that which had once been his greatest joy now only filled him with despair. Why had he ever spoken of his love,—what if this grim farce in which he was a hapless actor blundered on to a tragic close! He would have made any sacrifice had it been possible for him to face the situation alone, but another life was bound up with him; he would drag her down in the ruin that had overtaken him, and when it was all past and forgotten, she would remember,—the horror of it would fill her days!

On that night, as on many another, North retraced step by step the ugly path that wound its tortuous way from McBride's back office to the cell in which he—John North—faced the gallows. But the oftener he trod this path the more maze-like it became, until now he was hopelessly lost in its intricacies; discouraged, dazed, confused, almost convinced that in some blank moment of lost identity it was his hand that had sent the old man on his long last journey. As Evelyn Langham had questioned, so now did John North: "If not I, then who did murder Archibald McBride?"

In a vain search for the missing handyman, General Herbert had opened his purse wider than North or even Evelyn realized. There seemed three possibilities in the instance of Montgomery. Either he knew McBride's murderer and testified falsely to shield him; or else he knew nothing and had been hired by some unknown enemy to

swear North into the penitentiary; or—and the third possibility seemed not unlikely—it was he himself that had clambered over the shed roof after killing and robbing the old merchant.

North turned on his cot and his thoughts turned with him from Montgomery to Gilmore, who also, with uncharacteristic cowardliness had fled the scene of his illegal activities and the indictment that threatened him anew. "What was the gambler's part in the tragedy?" He hated North; he loved Marshall Langham's wife. But neither of these passions shaped themselves into murderous motives. Langham himself furnished food for reflection and speculation. Evidently in the most dire financial difficulties; evidently under Gilmore's domination; evidently burdened with some guilty knowledge,—but there was no evidence against him, he had credibly accounted for himself on that Thanksgiving afternoon, and North for the hundredth time dismissed him with the exclamation: "Marsh Langham a murderer? Impossible!"

The first cold rays of light, announcing the belated winter's dawn, touched with gray fingers the still grayer face of the sleepless prisoner. Out of the shadows that they coined came a vision of Evelyn Langham. And again for the hundredth time, North was torn between the belief that she, by her testimony, might save him and the unconquerable determination to keep from Elizabeth Herbert the knowledge of his affair with Langham's wife. Bet-

ter end his worthless existence than touch her fair life with this scandal. But of what was Evelyn Langham thinking during the days of his trial? What if she should voluntarily break her silence! Should he not send for her—there was a sound at his door. North started to his feet only to see the fat round face of the deputy sheriff as he came bringing the morning's hot coffee and thick buttered bread.

The town bell was ringing for nine o'clock when the deputy sheriff again appeared to escort him into court, and as they entered the room North saw that it was packed to the doors. His appearance won a moment of oppressive silence, then came the shuffling of feet and the hum of whispered conversation.

At the back of the room sat Marshall Langham. He was huddled up in a splint-bottomed chair a deputy had placed for him at one end of the last row of benches. Absorbed and aloof, he spoke with no one, he rarely moved except to mop his face with his handkerchief. His eyes were fixed on the pale shrunken figure that bent above the judge's desk. His father's face with its weary dignity, its unsoftened pride, possessed a terrible fascination for him; the very memory of it, when he had quitted the court room, haunted him! Pallid, bloodless as a bit of yellow parchment, and tortured by suffering, it stole into his dreams at night.

But at last the end was in sight! If Moxlow had the brains he credited him with, North would be

convicted, the law satisfied, and his case cease to be of vital interest to any one. Then of a sudden his fears would go from him, he would be born afresh into a heritage of new hopes and new aspirations! He had suffered to the very limit of his capacity; there was such a thing as expiation, and surely he had expiated his crime.

Now Moxlow, lank and awkward, with long black locks sweeping the collar of his rusty coat, slipped from his chair and stood before the judge's desk. For an instant Langham's glance shifted from his father to the accused man. He felt intense hatred of him; to his warped and twisted consciousness, half mad as he was with drink and drugs, North's life seemed the one thing that stood between himself and safety,—and clearly North had forfeited the right to live!

When Moxlow's even tones fell on the expectant hush, Langham writhed in his seat. Each word, he felt, had a dreadful significance; the big linen handkerchief went back and forth across his face as he sought to mop away the sweat that oozed from every pore. He had gone as deep in the prosecutor's counsels as he dared go, he knew the man's power of invective, and his sledge-hammer force in argument; he wanted him to cut loose and overwhelm North all in a breath! The blood in him leaped and tingled with suppressed excitement, his twitching lips shaped themselves with Moxlow's words. He felt that Moxlow was letting his opportunity pass him by,

that after all he was not equal to the task before him, that it was one thing to plan and quite another to perform. Men, such as those jurors, must be powerfully moved or they would shrink from a verdict of guilty!

But Moxlow persevered in his level tones, he was not to be hurried. He felt the case as good as won, and there was the taste of triumph in his mouth, for he was going to convict his man in spite of the best criminal lawyer in the state! Yet presently the level tones became more and more incisive, and Moxlow would walk toward North, his long finger extended, to loose a perfect storm of words that cut and stung and insulted. He went deep into North's past, and stripped him bare; shabby, mean, and profligate, he pictured those few short years of his manhood until he became the broken spendthrift, desperately in need of money and rendered daring by the ruin that had overtaken him.

Moxlow's speech lasted three hours, and when he ended a burning mist was before North's eyes. He saw vaguely the tall figure of the prosecuting attorney sink into a chair, and he gave a great sigh of relief. Perhaps North expected Belknap to perform some miracle of vindication in his behalf, certainly when his counsel advanced to the rail that guarded the bench there were both authority and confidence in his manner, and soon the dingy court room was echoing to the strident tones of the old criminal lawyer's voice. As the minutes passed,

however, it became a certainty with North that no miracle would happen.

Belknap concluded his plea shortly before six o'clock. And this was the end,—this was the last move in the game where his life was the stake! In spite of his exhaustion of mind and body North had followed the speech with the closest attention. He told himself now, that the state's case was unshaken, that the facts, stubborn and damning, were not to be brushed aside.

Moxlow's answer to Belknap's plea was brief, occupying little more than half an hour, and the trial was ended. It rested with the jury to say whether John North was innocent or guilty. As the jury filed from the room North realized this with a feeling of relief in that that at last the miserable ordeal was over. He had never been quite bereft of hope, the consciousness of his own innocence had measurably sustained him in his darkest hours. And now once more his imagination swept him beyond the present into the future; again he could believe that he was to pass from that room a free man to take his place in the world from which he had these many weary months been excluded. There was no bitterness in his heart toward any one, even Moxlow's harsh denunciation of him was forgotten; the law through its bungling agents had laid its savage hands on him, that was all, and these agents had merely done what they conceived to be their duty.

He glanced toward the big clock on the wall above

the judge's desk and saw that thirty minutes had already gone by since the jury retired. Another half-hour passed while he studied the face of the clock, but the door of the jury room, near which Deputy-sheriff Brockett had taken up his station, still remained closed and no sound came from beyond it. At his back he heard one man whisper to another that the jurymen's dinner had just been brought in from the hotel.

"That means another three quarters of an hour,—it's their last chance to get a square meal at the county's expense!" the speaker added, which earned him a neighboring ripple of laughter.

Judge Langham and Moxlow had withdrawn to the former's private room. Sheriff Conklin touched North on the shoulder.

"I guess we'd better go back, John!" he said. "If they want us to-night they can send for us."

Morbid and determined, the spectators settled down to wait for the verdict. The buzz of conversation was on every hand, and the air grew thick and heavy with tobacco smoke, while relaxed and at ease the crowd with its many pairs of eyes kept eager watch on the door before which Brockett kept guard. No man in the room was wholly unaffected by the sinister significance of the deputy's presence there, and the fat little man with his shiny bald head and stubby gray mustache, silent, preoccupied, taking no part in what was passing about him, became as the figure of fate.

The clock on the wall back of the judge's desk ticked off the seconds; now it made itself heard in the hush that stole over the room, again its message was lost in the confusion of sounds, the scraping of feet or the hum of idle talk. But whether the crowd was silent or noisy the clock performed its appointed task until its big gilt hands told whoever cared to look that the jury in the John North case had devoted three hours to its verdict and its dinner.

The atmosphere of the place had become more and more oppressive. Men nodded sleepily in their chairs, conversation had almost ceased, when suddenly and without any apparent reason Brockett swung about on his heel and faced the locked door. His whole expression betokened a feverish interest. The effect of this was immediate. A wave of suppressed excitement passed over the crowd; absolute silence followed; and then from beyond the door, and distinctly audible in the stillness, came the sound of a quick step on the uncarpeted floor. The clock ticked twice, then a hand dealt the door a measured blow.

The moment of silence that followed this ominous signal was only broken when a deputy who had been nodding half asleep in his chair, sprang erect and hurried from the room. As the swinging baize doors banged at his heels, the crowd seemed to breathe again.

Moxlow was the first to arrive. The deputy had found him munching a sandwich on the court-house

300 THE JUST AND THE UNJUST

steps. His entrance was unhurried and his manner quietly confident; he put aside his well-worn over-coat and took his seat at the counsel table. A little ripple of respectful comment had greeted his appearance; this died away when the baize doors at the back of the room swung open again to admit North and the sheriff.

North's face was white, but he wore a look of high courage. He understood to the full the dreadful hazard of the next few moments. With never a glance to the right or to the left, he crossed the room and took his seat; as he settled himself in his chair, Belknap hurried into court.

Judge Langham had not yet appeared, and the crowd focused its attention on the shut door leading into his private office. Presently this door was seen to open slowly, and the judge's spare erect figure paused on the threshold. His eyes, sunken, yet brilliant with a strange light, shifted from side to side as he glanced over the room.

Marshall Langham had not quitted his seat. There in his remote corner under the gallery, his blanched face framed by shadows, his father's glance found him. With his hand resting tremulously on the jamb of the door as if to steady himself, the judge advanced a step. Once more his eyes strayed in the direction of his son, and from the gloom of that dull corner which Marshall had made his own, despair and terror called aloud to him. His shaking hand dropped to his side, and then like some

pale ghost, he passed slowly before the eager eyes that were following his every movement to his place behind the flat-topped desk on the raised dais.

As he sank into his chair he turned to the clerk of the court and there was a movement of his thin lips, but no sound passed them. Brockett guessed the order he had wished to give, and the big key slid around in the old-fashioned lock of the jury-room door. Heavy-visaged and hesitating, the twelve men filed into court, and at sight of them John North's heart seemed to die within his breast. He no longer hoped nor doubted, he knew their verdict,—he was caught in some intricate web of circumstance! A monstrous injustice was about to be done him, and in the very name of justice itself!

The jurors, awkward in their self-consciousness, crossed the room and, as intangible as it was potent, a wave of horror went with them. There was a noisy scraping of chairs as they took their seats, and then a deathlike silence.

The clerk glanced up inquiringly into the white face that was bent on him. A scarcely perceptible inclination of the head answered him, and he turned to the jury.

"Gentlemen, have you arrived at a true verdict, and chosen one of your number to speak for you?" he asked.

Martin Howe, the first man in the front row of the two solemn lines of jurors, came awkwardly to his feet and said almost in a whisper:

302 THE JUST AND THE UNJUST

"We have. We find the defendant guilty as charged in the indictment."

"Mr. Howe, do you find this man guilty as charged in the indictment?" asked the clerk.

"I do," responded the juror.

Twelve times the clerk of the court, calling each man by name, asked this question, and one by one the jurors stood up and answered:

"I do."

CHAPTER TWENTY-THREE.

THE LAST APPEAL

ONE raw morning late in April, Mark Leonard, who worked at Kirby's lumber-yard, drove his team of big grade Percherons up to Kirby's office by the railroad tracks.

"What's doing?" he asked of Kirby's clerk.

The clerk handed him a slip of paper.

"Go round and tell Mitchell to get you out this load!" he said.

Leonard went off whistling, with the order slip tucked back of his hatband. In the yard, Mitchell the foreman, gave him a load "of sixteen-foot" pine boards and "two by fours".

"Where to?" the driver asked, as he took his seat on top the load.

"To the jail, they're going to fence the yard."

"You mean young John North?"

"That's what,—did you think you'd get a day off and take the old woman and the kids?" asked Mitchell.

It was a little past eight when the teamster entered the alley back of the jail and began to unload. The fall of the first heavy plank took John

North to his cell window. For a long breathless moment he stood there peering down into the alley, then he turned away.

All that day the teams from Kirby's continued to bring lumber for the fence, and at intervals North heard the thud of the heavy planks as they were thrown from the wagons, or the voices of the drivers as they urged their horses up the steep grade from the street. Darkness came at last and with it unbroken quiet, but in his troubled slumbers that night the condemned man saw the teams come and go, and heard the fall of the planks. It was only when the dawn's first uncertain light stole into the cell that a dreamless sleep gave him complete forgetfulness.

From this he was presently roused by hearing the sound of voices in the yard, and then the sharp ringing blows of a hammer. He quitted his bed and slipped to the window; two carpenters had already begun building the frame work that was to carry the temporary fence which would inclose the place of execution. It was *his* fence; it would surround his gallows that his death should not become a public spectacle.

As they went about their task, the two carpenters stole covert glances up in the direction of his window, but North stood well back in the gloom of his cell and was unseen. Horror could add nothing to the prison pallor, which had driven every particle of color from his cheeks. Out of these commonplace

details was to come the final tragedy. Those men in faded overalls were preparing for his death,—a limit had been fixed to the very hours that he might live. On the morning of the tenth of June he would see earth and sky from that window for the last time!

Chance passers-by with no very urgent affairs of their own on hand, drifted up from the street, and soon a little group had assembled in the alley to watch the two carpenters at their work, or to stare up at North's strongly barred window. Now and again a man would point out this window to some new-comer not so well informed as himself.

Whenever North looked down into the alley that morning, there was the human grouping with its changing personnel. Men sprawled on the piles of boards, or lounged about the yard, while the murmur of their idle talk reached him in his cell. The visible excuse which served to bring them there was commonplace enough, but it was invested with the interest of a coming tragedy, and North's own thoughts went forward to the time when the fence should be finished, when somewhere within the space it inclosed would stand his gallows.

Shortly before the noon whistles blew, two little girls came into the alley with the carpenters' dinner pails. They made their way timidly through the crowd, casting shy glances to the right and left; at a word from one of the men they placed the dinner pails beside the pile of lumber and hurried away;

but at the street corner they paused, and with wide eyes stared up in the direction of North's window.

A moment later the whistles sounded and the idlers dispersed, while the two mechanics threw down their hammers and took possession of the lumber pile. After they had eaten, they lighted their pipes and smoked in silent contentment; but before their pipes were finished the crowd began to reassemble, and all that afternoon the shifting changing groups stood about in the alley, watching the building of the fence. At no time were the two carpenters without an audience. This continued from day to day until the structure was completed, then for a week there was no work done within the inclosure. It remained empty and deserted, with its litter of chips, of blocks and of board ends.

On the morning of the first Monday in May, North was standing before his window when the two mechanics entered the yard from the jail; they brought tools, and one carried a roll of blue paper under his arm; this he spread out on a board and both men examined it carefully. Next they crossed to the lumber pile and locked it over. They were evidently making some sort of calculation. Then they pulled on their overalls and went to work, and in one corner of the yard—the corner opposite North's window—they began to build his scaffold. The thing took shape before his very eyes, a monstrous anachronism.

General Herbert had not been idle while the un-

hurried preparations for John North's execution were going forward; whatever his secret feeling was, neither his words nor his manner conceded defeat. Belknap had tried every expedient known to criminal practice to secure a new trial but had failed, and it was now evident that without the intervention of the governor, North's doom was fixed unalterably. Belknap quitted Mount Hope for Columbus, and there followed daily letters and almost hourly telegrams, but General Herbert felt from the first that the lawyer was not sanguine of success. Then on the eighth of June, two days before the execution, came a long message from the lawyer. His wife was ill, her recovery was doubtful; the governor was fully possessed of the facts in North's case and was considering them, would the general come at once to Columbus?

This telegram reached Idle Hour late at night, and the next morning father and daughter were driven into Mount Hope. The pleasant life with its agreeable ordering which the general had known for ten peaceful years had resolved itself into a mad race with time. The fearful, the monstrous, seemed to reach out and grip him with skeleton fingers. Like the pale silent girl at his side, he was knowing the horror of death, and a horror that was beyond death.

They stopped at the jail to say good-by to North, and were then driven rapidly to the station. The journey of about two hours seemed interminable,

but they rarely spoke. Elizabeth did not change the position she had assumed when they took their seats. She leaned lightly against her father's broad shoulder and her hands were clasped in her lap.

For weeks the situation had been absolutely pitiless. Their wrecked efforts were at the door of every hope, and if this mission failed—but it would not fail! All they had come to ask was the life of an innocent man, and surely the governor, unaffected by local prejudice, must realize John North's innocence.

It was two o'clock when they reached their destination, and as they left the car the general said:

"We will go to the hotel first. Either Judge Belknap will be there, or there will be some word for us."

At the hotel they found, not Belknap, but a letter which he had left. The governor was suffering from a slight indisposition and was confined to the house. Belknap had made an appointment for him, and he would be expected. The general crushed the sheet of paper between his fingers with weary impatience.

"We'll see the governor at once. I'll call a carriage," he said briefly.

Five minutes later, when they had left the hotel, Elizabeth asked:

"What did Judge Belknap say?"

"Nothing, dear, nothing—the matter remains just as it was. The governor is expecting us."

"What do you think, father? This is our last hope. Oh, do you realize that?"

She rested her hand on his arm.

"It's going to be all right!" her father assured her. Then there was silence between them until they drew up before the governor's house.

Side by side they mounted the steps. The general's ring was answered by a man-servant, who took their cards after showing them into a small reception-room. He returned after a moment to say that the governor was occupied and could not possibly see them until the afternoon. The general's face was blank. He had never considered it possible that the governor would refuse to see him at his convenience. Certainly there had been a time when no politician of his party in the state nor in the nation would have ventured this; but it was evident the last ten years had made a difference in his position. Elizabeth gazed up fearfully into her father's face. What did this mean; was it merely a subterfuge on the governor's part to avoid a painful interview? Perhaps, after all, it would have been better had she remained at the hotel. Her father read her thoughts.

"It's all right—be brave!" he whispered. He turned to the servant. "Will you kindly learn for me at what hour the governor will be at liberty?" he said stiffly.

"Oh, he must see us!" cried Elizabeth, the moment they were alone.

310 THE JUST AND THE UNJUST

"Of course he must, and he will," the general said. But the governor's refusal to see them at once rankled within him. His sunburnt cheeks were a brick red and there was an angry light in his gray eyes. The servant did not return, but in his stead came a dapper young fellow, the governor's private secretary.

"General Herbert?" he asked inquiringly, as he entered the room.

The general acknowledged his identity by an inclination of the head.

"The governor will be most happy to see you at any time after three o'clock. May I tell him you will call then?" asked the secretary, and he glanced, not without sympathy and understanding, at Elizabeth.

"We will return at three," the general said.

"He regrets his inability to see you now," murmured the secretary, and again he permitted his glance to dwell on the girl's pale beauty.

He bowed them from the room and from the house. When the door closed on them, Elizabeth turned swiftly to her father.

"He is cruel, heartless, to keep us in suspense. A word, a moment—might have meant so much to us—" she sobbed.

A spasm of pain contracted her father's rugged features.

"He will see us; he is a busy man with unceasing demands on his time, but we have this appointment.

Be brave, dear, just a little longer!" he said tenderly.

"I'll try to be, but there is only to-day—and to-morrow—" she faltered.

"Hush, you must not think of that!"

"I can think of nothing else!"

How they lived through the long hours the general never knew, but at last three o'clock came and they were again at the governor's door. It was opened by the servant who had admitted them earlier in the day.

"We have an appointment with the governor," said General Herbert briefly, pushing past him.

"Yes, sir; I will tell him you are here as soon as he comes in," said the man.

"He's out, then?" and General Herbert wheeled on the man.

"Yes, but he's expected back any moment, sir."

"It will be all right," her father again assured Elizabeth, speaking with forced cheerfulness when they were alone.

Ten—twenty minutes slipped by; minutes that were infinitely precious, then a step sounded in the hall. It was the servant who entered the room, however. He came to say that a message had that moment been received from the governor; he was detained at the capitol, and probably would not reach home before five o'clock.

"Does he say he will see us there?" asked the general.

312 THE JUST AND THE UNJUST

"He didn't mention you, sir; perhaps he has forgotten, but I thought you'd wish to know."

"Thank you." The general turned to his daughter. "I think we'd better go to the capitol."

The carriage was still at the door and they hurried out to it and were whirled across town. As they came to a stand before the capitol, General Herbert, without waiting for Elizabeth, sprang out and strode into the building and up the familiar stairs to the executive chambers. The door of the outer office stood open. A colored janitor was sweeping the room.

"Who you want, boss?" he asked, stopping his work and leaning on the handle of his broom.

"The governor—where is he?" demanded the general.

"You's too late, boss, he's done gone out."

A sense of futility and defeat almost overwhelmed the old general. He was silent for a moment since he dared not trust himself to speak, then he asked:

"Is the governor's secretary here?"

The man shook his head.

"Him and the governor left together. There ain't no one here now, they've done for the day."

"Then the governor has gone home?"

"I expect that's where he went, yes, sir."

General Herbert swung about and hurried from the room. In the hall he met Elizabeth.

"Did you see him?" she asked eagerly.

"Not here," he answered huskily.

Her eyes grew wide with terror, and she swayed

as if about to fall, but her father put out a sun-burnt hand for her support.

"We must go back!" he said, mastering himself at sight of her suffering. "We have missed him here, he's gone home, that is all—it means nothing."

They drove in silence through the streets. Pallid, fearful, and speechless in her suffering, Elizabeth leaned back in her seat. The hope that had sustained her was lost in the realization of defeat. There was nothing beyond; this was failure, complete and final; the very end of effort! Suddenly her father's big hand closed about the small one which rested in her lap.

"You must not give up; I tell you it will be all right!" he insisted.

"He is avoiding us!" she cried chokingly. "Oh, what can we do when he will not even see us!"

"Yes, he will. We have been unfortunate, that is all."

"Wretchedly unfortunate!" she moaned.

They had reached their destination, and this time slowly and uncertainly they ascended the steps. With his hand upon the bell, the general hesitated for an instant; so much was at stake! Then a bell sounded in some distant part of the house, and after a brief interval the door was opened to them.

"I am sorry, sir, but the governor has not returned."

The general thrust a bill into the man's hand, saying:

314 THE JUST AND THE UNJUST

"The moment he comes in, see that he gets my card."

Again there was delay. General Herbert, consumed by impatience, crossed and recrossed the room. Elizabeth stood by the window, one hand parting the heavy curtains. It was already late afternoon. The day had been wasted, and the hours that remained to them were perilously few. But more than the thought of North's death, the death itself filled her mind with unspeakable imaginings. The power to control her thoughts was lost, and her terrors took her where they would, until North's very death struggles became a blinding horror. Somewhere in the silent house, a door opened and closed.

"At last!" said the general, under his breath.

But it was only the governor's secretary who entered the room. He halted in the doorway and glanced from father to daughter. There was no mistaking the look on his face.

"How much longer are we to be kept in doubt?" asked General Herbert, in a voice that indicated both his dread and his sense of insult.

"The governor deeply regrets that there should have been this delay—" began the secretary.

"He is ready to see us now?" General Herbert interrupted.

"I regret—"

"What do you regret? Do you mean to tell me that he will not see us?" demanded the general.

"The governor has left town."

The angry color flamed into the old man's cheeks. His sorely tried patience was on the point of giving way, but a cry from the window recalled him.

"Where has he gone?"

"He left for the East at four o'clock," faltered the secretary, after a moment of wretched irresolution.

The general's face became white, as his anger yielded to a more powerful emotion.

"Impossible!" he cried.

"The North matter has been left in my hands," said the secretary haltingly.

The general's hope revived as he heard this. He stepped to Elizabeth's side and rested his hand protectingly on her shoulder.

"You have the governor's decision?" he asked.

"Yes," answered the secretary unsteadily.

There was a moment's silence.

"What is it?" The general's voice was strained and unnatural.

"He regrets it, but he does not deem it proper for him to interfere with the decision of the court. He has had the most eminent legal advice in this case—"

A choking inarticulate cry from Elizabeth interrupted him.

"My God!" cried her father, as Elizabeth's groping hands clung to him. He felt the shudder that wrenched her slim body. "Be brave!" he whispered, slipping his arms about her.

"Oh, father—father—" she sobbed.

"We will go home," said the general.

316 THE JUST AND THE UNJUST

He looked up from the bowed head that rested against his shoulder, expecting to find the secretary still standing by the door, but that dapper young man had stolen from the room.

"Yes, take me home," said Elizabeth.

He led her from the house and the door closed behind them on their last hope. Both shared in the bitter consciousness of this. They had been brought face to face with the inexorable demands of life, they had been foredoomed to failure from the very beginning.

"Father?" she gasped.

"Yes, dear?" He spoke with infinite tenderness.

"Is there nothing more?"

"Nothing, but to go home."

Deeply as he felt for her, he knew that he realized only an infinitesimal part of her suffering.

"The governor has refused to interfere?"

"You heard what he said, dear," he answered simply.

"And I have to go back and tell John that after all our hopes, after all our prayers—"

"Perhaps you would better not go back," he suggested.

"Not go back? No, I must see him! You would not deny me this—"

"I would deny you nothing," said her father fervently.

"Dismiss the carriage, and we will walk to the station; there is time?"

"Yes."

For a little while they walked on in silence, the girl's hands clasped about her father's arm.

"I can not understand it yet!" said Elizabeth at length, speaking in a fearful whisper. "It is incredible. Oh, can't you save him—can't you?"

The general did not trust himself to answer her.

"We have failed. Do you think it would have been different if Judge Belknap had not been called away?"

General Herbert shook his head.

"And now we must go back to him! We were to have telegraphed him; we won't now, will we?"

"My poor, poor Elizabeth!" cried the general brokenly.

"How shall we ever tell him!"

"I will go alone," said the general.

"No, no—I must see him! You are sure we have time to catch our train—if we should miss it—" and the thought gave her a sudden feverish energy.

"You need not hurry," her father assured her.

"But look at your watch!" she entreated.

"We have half an hour," he said.

"You can think of nothing more to do?" she asked, after another brief silence.

"Nothing, dear."

Little was said until they boarded the train, but in the drawing-room of the Pullman which her father had been able to secure, Elizabeth's restraint forsook her, and she abandoned herself to

318 THE JUST AND THE UNJUST

despair. Her father silently took his place at her side. Oppressed and preoccupied, the sting of defeat unmitigated, he was struggling with the problem of the future. The morrow with its hideous tragedy seemed both the end and the beginning. One thing was clear to him, they must go away from Idle Hour where North had been so much a part of Elizabeth's life. Nothing had been added to this decision when at length the train pulled into Mount Hope.

"We are home, dear," he said gently.

CHAPTER TWENTY-FOUR

THE LAST LONG DAY

A LONG day, the last of many long days he told himself, was ended, and John North stood by his window. Below in the yard into which he was looking, but within the black shadow cast by the jail, was the gallows. Though indistinguishable in the darkness, its shape was seared on his brain, for he had lived in close fellowship with all it emphasized. It was his gallows, it had grown to completion under his very eyes that it might destroy him in the last hour.

There had been for him a terrible fascination in the gaunt thing that gave out the odor of new wood; a thing men had made with their own hands; a clumsy device to inflict a brutal death; a left-over from barbarism which denied every claim of civilization and Christianity! Now, as the moon crept up from behind the distant hills, the black shadows retreated, and as he watched, timber by timber the gallows stood forth distinct in the soft clear light. In a few hours, unless the governor interfered, he would pass through the door directly below his window. He pictured the group of grave-faced nervous

officials, he saw himself bound and blindfolded and helpless in their midst.

His fingers closed convulsively about the iron bars that guarded his window, but the feeling of horror that suddenly seized him was remote from self-pity. He was thinking of Elizabeth. What unspeakable wretchedness he had brought into her life, and he was still to bequeath her this squalid brutal death! It was the crowning shame and misery to the long months of doubt and fearful suspense.

Up from the earth came the scent of living growing things. The leaves of the great maples in the court-house grounds rustled in the spring breeze, there was the soft incessant hum of insect life, and over all the white wonderful moonlight. But he had no part in this universal renewal—he was to die his purposeless unheroic death in the morning. For himself he could almost believe he no longer cared; he had fully accepted the idea. He had even taken his farewell of the few in Mount Hope who had held steadfast in their friendship, and there only remained for him to die decently; to meet the inevitable with whatever courage there was in his soul.

He heard Brockett's familiar step and suddenly, intent and listening, he faced the door; but the deputy came slowly down the corridor and as he entered the cell, paused, and shook his head.

"No word yet, John," he said regretfully.
"Is the train in?" asked North.

"Yes, Conklin went down to meet it. He's just back; I guess they'll come on the ten-thirty."

North again turned listlessly toward the window. "I wouldn't own myself beat yet, John!" said the deputy.

"I've gone down at every crisis! I didn't think the grand jury would indict me, I didn't think I would be convicted at the trial!" He made a weary gesture. "What right have I to think they will be able to influence the governor?"

There was a moment's silence broken by the deputy.

"I'll be outside, and if you want anything, let me know."

It was the death-watch, and poor Brockett was to keep it.

North fell to pacing his narrow bounds. Without, the wind had risen and presently there came the patter of rain on the roof. Thick darkness again enveloped the jail yard; and the gallows—his gallows—was no longer visible. For an hour or more the storm raged and then it passed as swiftly as it had gathered. Once more he became aware of the incessant hum of the insect world, and the rustling of the great maples in the court-house grounds.

As he listened to these sounds, from somewhere off in the distance he heard the shriek of an engine's whistle. They were coming now if they came at all! In spite of himself, his hope revived. To believe that they had failed was out of the question, and

322 THE JUST AND THE UNJUST

the beat of his pulse and the throb of his heart quickened.

He endured twenty minutes of suspense, then he heard voices; Brockett threw open the door, and Elizabeth, white-faced and shaking, was before him.

"John!" she cried, with such anguish that in one terrible instant all hope went from him.

His soul seemed to stand naked at the very gates of death, and the vision of his brutal ending came before his burning eyes. Words of protest trembled on his lips. This endured but for an imperceptible space of time, and then that larger pity which was not for himself but for Elizabeth, took him quickly to her side.

"John—" she cried again, and held out her arms.

"Do not speak—I know," he said.

Her head drooped on his shoulder, and her strength seemed to forsake her.

"I know, dear!" he repeated.

"We could do nothing!" she gasped.

"You have done everything that love and devotion could do!"

She looked up into his face.

"You are not afraid?" she whispered, clinging to him.

"I think not," he said simply.

"You are very brave, John—I shall try to be brave, also."

"My dear, dear Elizabeth!" he murmured sadly, and they were silent.

Without, in the corridor, an occasional whispered word passed between General Herbert and the deputy.

"The governor would do nothing, John," Elizabeth faltered at length.

"I understand, dear," he said tenderly.

"He would not even see us; we went repeatedly to his house and to the capitol, and in the end we saw his secretary. The governor had left town; he never intended to see us! To reach this end—when nothing can be done—" Her eyes grew wide with horror.

He drew her closer, and touched her cold lips with his.

"There is one thing you can do that will be a comfort to me, Elizabeth; let your father take you home!"

"No, no, I must stay till morning, until the day breaks—don't send me away, John!" she entreated.

"It will be easier—"

Yet his arms still held her close to him, and he gazed down into the upturned face that rested against his breast. It was his keen sense of her suffering that weighed on him now. What a wreck he had made of her life—what infinite compassion and pity he felt! He held her closer.

"What is it, dear?" she asked.

But he could not translate his feeling into words.

"Oh, if there were only something we could do!" she moaned.

324 THE JUST AND THE UNJUST

"Through all these weeks you have given me hope and strength! You say that I am brave! Your love and devotion have lifted me out of myself; I would be ashamed to be a coward when I think of all you have endured!"

He felt her shiver in his arms, then in the momentary silence the court-house bell struck the half-hour.

"I thought it was later," she said, as the stroke of the bell died out in the stillness.

"It is best that you should leave this place, dearest—"

"Don't send me from you, John—I can not bear that yet—" she implored.

Pityingly and tenderly his eyes looked deep into hers. What had she not endured for his sake! And the long days of effort had terminated in this last agony of disappointment; but now, and almost mercifully, he felt the fruitless struggle was ended. All that remained was the acceptance of an inexorable fate. He drew forward his chair for her, and as she sank wearily into it, he seated himself on the edge of the cot at her side.

"McBride's murderer will be found one of these days, and then all the world will know that what you believe is the truth," said North at length.

"Yes, dear," replied Elizabeth simply.

Some whispered word of General Herbert's or the deputy's reached them in the interval of silence that ensued. Then presently in that silence they

had both feared to break, the court-house bell rang again. It was twelve o'clock. Elizabeth rose.

"I am going now—John—" she said, in a voice so low that he scarcely heard her. "I am going home. You wish it—and you must sleep—" She caught his hands and pressed them to her heart. "Oh, my darling—good night—"

She came closer in his arms, and held up her lips for him to kiss. The passion of life had given place to the chill of death. It was to-day that he was to die! No longer could they think of it as a thing of to-morrow, for at last the day had come.

"Yes, you must go," he said, in the same low voice in which she had spoken.

"I love you, John—"

"As I do you, beloved—" he answered gently.

"Oh, I can not leave you! My place is here with you to the very last—do not send me away!"

"I could not bear it," he said steadily. "You must leave Mount Hope to-morrow—to-day—"

He felt her arms tighten about his neck.

"To-day?" she faltered miserably. "To-day—"

Her arms relaxed. He pressed his lips to her pale cold lips and to her eyes, from which the light of consciousness had fled.

"General Herbert!" he called.

Instantly the general appeared in the doorway.

"She has fainted!" said North.

Her father turned as if with some vague notion of asking assistance, but North checked him.

"For God's sake take her away while she is still unconscious!" and he placed her in her father's arms. For a moment his hand lingered on the general's shoulder. "Thank you—good-by!" and he turned away abruptly.

"Good-by—God bless you, John!" said the general in a strained voice.

He seemed to hesitate for a moment as if he wished to say more; then as North kept his back turned on him, he gathered the unconscious girl closer in his arms, and walked from the room.

North remained by the window, his hands clutching the bars with convulsive strength, then the wind which blew fresh and strong in his face brought him the sound of wheels; but this quickly died out in the distance.

Brockett tiptoed into the cell.

"I am going to lie down and see if I can get some sleep," North said, throwing off his coat. "If I sleep, call me as soon as it is light—good night."

CHAPTER TWENTY-FIVE

ON THE HIGH IRON BRIDGE

AS the weeks had passed Marshall Langham had felt his fears lift somewhat, but the days and nights still remained endless cycles of torment. Wherever he turned and with whomsoever he talked the North case was certain sooner or later to be mentioned. There were hideous rumors afloat, too, concerning General Herbert's activity in behalf of the condemned man, and in spite of his knowledge of the law, he was profoundly affected by this wild gossip, this ignorant conjecture, which reason and experience alike told him misstated every fact that bore on the situation. He was learning just how dependent he had been on Gilmore; no strange imaginings, no foolish vagaries had ever beset the gambler, his brutal vigor had yielded nothing to terror or remorse.

He knew the Herberts had gone to Columbus to make a final appeal to the governor. Father and daughter had been driven across the Square by Thompson, the Idle Hour foreman, and they had passed below the windows of Langham's office on their way to the station. It had seemed to him an

iniquitous thing that the old statesman's position and influence should be brought into the case to defeat his hopes, to rob him of his vengeance, to imperil his very safety. Racked and tortured, he had no existence outside his fear and hate. All that day Langham haunted the railway station. If any word did come over the wires, he wished to know it at once, and if General Herbert returned he wished to see him, since his appearance must indicate success or failure. If it were failure the knowledge would come none too quickly; if success, in any degree, he contemplated instant flight, for he was obsessed by the belief that then he would somehow stand in imminent peril.

He was pacing the long platform when the afternoon train arrived, but his bloodshot eyes searched the crowd in vain for a sight of General Herbert's stalwart figure.

"He has just one more chance to get back in time!" he told himself. "If he doesn't come to-night it means I am safe!"

His bloodless lips sucked in the warm air. Safe! It was the first time in months he had dared to tell himself this; yet a moment later and his fears were crowding back crushing him to earth. The general might do much in the six hours that remained to him.

He was back at his post when the night train drew in, and his heart gave a great leap in his breast as he saw the general descend from the platform of the

ON THE HIGH IRON BRIDGE 329

sleeper and then turn to assist Elizabeth. She was closely veiled, but one glance at the pair sufficed.

Langham passed down the long platform. The flickering gas-jets that burned at intervals under the wide eaves of the low station were luminous suns, his brain whirled and his step was unsteady. He passed out into the night, and when the friendly darkness had closed about him, slipped a feverish palm across his eyes and thanked God that his season of despair was at an end. He had suffered and endured but now he was safe!

Before him the train, with its trailing echoes, had dwindled away into the silence of the spring night. Scarcely conscious of the direction he was taking he walked down the track toward the iron bridge. It was as if some miracle of healing had come to him; his heavy step grew light, his shaking hands became steady, his brain clear; in those first moments of security he was the ease-seeking, pleasure-loving Marshall Langham of seven months before.

As he strode forward he became aware that some one was ahead of him on the track, then presently at the bridge a match was struck, and his eyes, piercing the intervening darkness, saw that a man had paused there to light a pipe. He was quite near the bridge himself when another match flared, and he was able to distinguish the figure of this man who was crouching back of one of the iron girders. A puff of wind extinguished the second match almost immediately, and after a moment or two in

which the lawyer continued to advance, a third match was struck; at the same instant the man must have heard the sound of Langham's approach, for as he brought the blazing match to the bowl of a short black pipe, he turned, standing erect, and Langham caught sight of his face. It was Joe Montgomery. Another playful gust found Mr. Montgomery's match and the two men stood facing each other in the darkness.

Langham had been about to speak but the words died on his lips; a wave of horror passed over him. He had known not quite ten minutes of security and now it was at an end; his terror all revived; this hulking brute who faced him there in the darkness menaced his safety, a few drinks might give him courage to go to Moxlow or to the general with his confession. How was he to deal with the situation?

"There ain't much Irish about me!" said Montgomery, with a casual oath.

There was a moment of silence. The handy-man was searching his pockets for a fresh match.

"Why have you come back, Joe?" asked Langham finally, when he could command himself.

Montgomery started violently and his pipe fell from his mouth.

"Is that you, Boss Langham?" he faltered.

He stared about him seeking to pierce the darkness, fearful that Langham was not alone, that Gilmore might be somewhere near.

"Are you by yourself, boss?" he asked, and a

tremor stole into his hoarse throaty voice. He still carried the scars of that fearful beating Gilmore had administered.

"Yes," said Langham. "I'm alone."

"I didn't know but Andy Gilmore might be with you, boss," said Montgomery, clearing his throat.

"No, he's not here," replied Langham quietly. "He's left town."

"Yes, but he'll be comin' back!" said the handy-man with a short laugh.

"No, he's gone for good."

"Well, I ain't sorry. I hope to God I never see him again—he beat me up awful! I was a good a friend as he'll ever have; I was a perf' yellow dog to him; he whistled and I jumped, but I'll be damned if I ever jump again! Say, I got about eighteen inches of old gas-pipe slid down my pants leg now for Mr. Andy; one good slug with that, and he won't have no remarks to make about my goin' home to my old woman!"

"You won't have to use it."

"I'm almost sorry," said Montgomery.

"I suppose that thirst of yours is unimpaired?" inquired Langham.

His burning eyes never for an instant forsook the dark outline of the handy-man's slouching figure.

"I dunno, boss, I ain't been drinkin' much lately. Liquor's a bully thing to keep the holes in your pants, and your toes out where you can look at 'em

332 THE JUST AND THE UNJUST

if you want to. I dunno as I'll ever take up whisky-drinkin' again," concluded Mr. Montgomery, with a self-denying shake of the head.

"Are you glad to be back, Joe?" asked Langham. It was anything to gain time, he was thinking desperately but to no purpose.

"Glad! Stick all the cuss words you know in front of that and it will be mild!" cried Montgomery feelingly. "It's pitiful the way I been used, just knocked from pillar to post; I've seen dogs right here in Mount Hope that had a lot happier time than I've been havin'—and me a married man! I've always tried to be a good husband, I hope there won't be no call for me to make a rough-house of it to-night!" he added playfully, as he looked off across the bridge.

"I guess not, Joe," said Langham.

His fears assembled themselves before him like a phantom host. How was he to deal with the handy-man; how would Gilmore have dealt with him? Had the time gone by to bully and bribe, or was that still the method by which he could best safeguard his life?

"Say, boss, what they done with young John North?" Montgomery suddenly demanded.

"Nothing yet," answered Langham after an instant's pause.

"Ain't he had his trial?" Montgomery asked.
"Yes."

ON THE HIGH IRON BRIDGE 333

"Well, ain't they done anything with him? If he ain't been sent up, he's been turned loose."

"Neither, Joe," rejoined Langham slowly. "The jury didn't agree. His friends are trying to get the judge to dismiss the case."

"That would suit me bully, boss, if they done that!" cried the handy-man.

Langham caught the tone of relief.

"I don't want to see him hang; I don't want to see no one hang, I'm all in favor of livin', myself. Say, I had a sweet time out West! I'd a died yonder; I couldn't stand it, I had to come back—just had †."

He was shaking and wretched, and he exaggerated no part of the misery he had known.

"When did you get in?" asked Langham.

"I beat my way in on the ten-thirty; I rode most of the way from Columbus on top of the baggage car—I'm half dead, boss!"

"Have you seen any one?"

"No one but you. I got off at the crossin' where they slow up and come along here; I wasn't thinkin' of a damn thing but gettin' home to my old woman. I guess I'll hit the ties right now!" he concluded with sudden resolution, and once more his small blue eyes were turned toward the bridge.

"I'll walk across to the other side with you," said Langham hastily.

"The crick's up quite a bit!" said the handy-man as they set foot on the bridge.

334 THE JUST AND THE UNJUST

Langham glanced out into the gloom, where swollen by the recent rains the stream splashed and whirled between its steep banks.

"Yes, way up!" he answered.

As he spoke he stepped close to Montgomery's side and raised his voice.

"Stop a bit," said Joe halting. "I shan't need this now," and he drew the piece of gas-pipe from his trousers pocket. "I'd have hammered the life out of Andy Gilmore!" he said, as he tossed the ugly bludgeon from him.

"You haven't told me where you have been," said Langham, and once more he pressed close to Montgomery, so close their elbows touched.

The handy-man moved a little to one side.

"Where ain't I been, you better ask, boss," he said. "I seen more rotten cities and more rotten towns and more rotten country than you can shake a stick at; God A'mighty knows what's the good of it—I dunno! Everybody I seen was strangers to me, never a face I knowed anywhere; Chicago, Kansas City, St. Louis, Denver—to hell with 'em all, boss; old Mount Hope's good enough for me!" And the handy-man shrugged his huge slanting shoulders.

"Don't go so fast, Joe!" Langham cautioned, and his eyes searched the darkness ahead of them.

"It's a risky business for you, boss," said the handy-man. "You ain't used to this bridge like me."

"Do you always come this way?" asked Langham.

ON THE HIGH IRON BRIDGE 335

"Always, in all seasons and all shapes, drunk or sober, winter or summer," said the handy-man.

"One wouldn't have much chance if he slipped off here to-night," said Langham with a shudder.

"Mighty little," agreed Montgomery. "Say, step over, boss—we want to keep in the middle! There—that's better, I was clean outside the rail."

"Can you swim?" asked Langham.

"Never swum a stroke. The dirt's good enough for me; I got a notion that these here people who are always dippin' themselves are just naturally filthy. Look at me, a handy-man doing all kinds of odd jobs, who's got a better right to get dirty—but I leave it alone and it wears off. I'm blame certain you won't find many people that fool away less money on soap than just me!" said Joe with evident satisfaction. "The old woman's up!" he cried, as he caught the glimmer of a light on the shore beyond.

Perhaps unconsciously he quickened his pace.

"Not so fast, Joe!" gasped Langham.

"Oh, all right, boss!" responded Montgomery.

Langham turned to him quickly, but as he did so his foot struck the cinder ballast of the road-bed.

"Good night, boss!" said Joe, his eyes fixed on the distant light.

"Wait!" said Langham imperiously.

"What for?" demanded Montgomery.

"The water made such a noise I couldn't talk to you out on the bridge," began Langham.

336 THE JUST AND THE UNJUST

"Well, I can't stop now, boss," said the handy-man, turning impatiently from him.

"Yes, damn you—you can—and will!" and Langham raised his voice to give weight to his words.

Montgomery rounded up his shoulders.

"Don't you try that, boss! Andy Gilmore could shout me down and cuss me out, but you can't; and I'll peel the face off you if you lay hands on me!" He thrust out a grimy fist and menaced Langham with it. There was a brief silence and the handy-man swung about on his heel.

"Good night, boss!" he said over his shoulder, as he moved off.

Langham made no answer, but long after Joe's shuffling steps had died away in the distance he was still standing there irresolute and undecided, staring fixedly off into the darkness that had swallowed up the handy-man's hulking figure.

Mr. Montgomery, muttering somewhat and wagging his head, continued along the track for a matter of a hundred yards, when his feet found a narrow path which led off in the direction of the light he had so confidently declared was his old woman's. Then presently as he shuffled forward, the other seven houses of the row of which his was the eighth, cloaked in utter darkness, took shadowy form against the sky. The handy-man stumbled into his unkempt front yard, its metes and bounds but indifferently defined by the remnants of what had been a picket fence; he made his way to the side door, which he

ST

e handy-

nd Lang-

words.

ore could

an't; and

on me!"

Langham

handy-

lder, as

er Joe's

he was

staring

wed up

d wag-

matter

narrow

he had

Then

seven

ighth,

against

kempt

rently

picket

ch he

ON THE HIGH IRON BRIDGE 337

threw open without ceremony. As he had surmised, his old woman was up. She was seated by the table in the corner, engaged in mending the ragged trousers belonging to Joseph Montgomery, junior.

At sight of Joe, senior, she screamed and flung them aside; then white and shaking she came weakly to her feet. The handy-man grinned genially. He was not of demonstrative temperament.

"Joe!" cried Nellie, as she sprang toward him. "Dear Joe!" and she threw her arms about him.

"Oh, hell!" said the handy-man.

Nellie was hanging limply about his neck and he was aware that she had kissed him; he could not remember when before she had taken such a liberty. Mr. Montgomery believed in a reasonable display of affection, but kissing seemed to him a singularly frivolous practice.

"Oh, my man!" sobbed Nellie.

"Oh, cheese it, and let me loose—I don't like this to-do! Can't a married man come home without all this fuss?"

"Dear Joe, you've come back to me and your babies!" And the tears streamed down her cheeks.

"I don't need you to tell me that—I got plenty sense enough to know when I'm home!" said Montgomery, not without bitterness.

"I mourned you like you was passed away, until your letter come!" said Nellie, and the memory of her sufferings set her sobbing afresh.

"Oh, great hell!" exclaimed Joe dejectedly.

338 THE JUST AND THE UNJUST

"Why can't you act cheerful? What's the good of takin' on, anyhow—I don't like tombstone talk."

"It was just the shock of seein' you standin' there in the door like I seen you so often!" said Nellie weakly.

"If that ain't a woman for you, miserable because she's happy. Say, stop chokin' me; I won't stand for much more of this nonsense, you might know I don't like these to-dos!"

"You don't know what I've suffered, Joe!"

"That's a woman for you every time—always thinkin' of herself! To hear you talk any one would think I'd been to a church picnic; I look like I'd been to a picnic, don't I? Yes, I do—like hell!"

"They said you would never come back to me," moaned Nellie.

"Who said that?" asked Mr. Montgomery aggressively.

"Everybody—the neighbors—Shrimplin—they all said it!"

"Ain't I told you never to listen to gossip, and ain't I always done what's right?" interrogated the handy-man severely.

"Yes, always, Joe," said Nellie.

"Then you might know'd I'd come back when I got plenty good and ready. I fooled 'em all, and I'm here to stay—that is if you keep your hands off me!"

"You mean it, Joe?" asked Nellie.

"What? About your keepin' your hands off me?
Yes, you bet I do!"

And Montgomery by a not ungentle effort released himself from his wife's embrace. This act so restored his self-respect that he grinned pleasantly at her.

"I don't know when I been so happy, Joe—it's awful nice to have you back!" said Nellie, wiping her eyes on the corner of her apron.

"There's some sense in your sayin' that," said the handy-man, shaking his head. "You ought to feel happy."

"You don't ask after your children, Joe—"

"Don't I? Well, maybe you don't give me no time to!" said Mr. Montgomery, but without any special enthusiasm, since the truth was that his interest in his numerous offspring was most casual.

"They're all well, and the littlest, Tom—the one you never seen—has got his first tooth!" said Nellie.

Joe grunted at this information.

"He'll have more by and by, won't he?" he said.

"How you talk, of course he will!"

"He'd have a devil of a time chewin' his food if he didn't," observed the handy-man with a throaty chuckle.

"And, Joe, I got the twenty dollars you sent!"

"Is any of it left?" inquired Mr. Montgomery, with sudden interest.

"The rent and things took it all. That was the noblest act you ever done, Joe; it made me certain

you was thinkin' of us, and from the moment I got that money I was sure you would come back no matter what people said!"

"Humph!" said Joe. "Is there anything in the house fit to eat? Because if there is, I'll feed my face right now!"

"Do set down, Joe; I'll have something for you in a minute—why didn't you tell me you was hungry?"

She was already rattling plates and knives at the cupboard, and Joe took the chair she had quitted when he entered the house, stretching his legs under his own table with a sense of deep satisfaction. He had not considered it worth his while to visit the kitchen sink, although his mode of life, as well as his mode of travel for days past, had covered him with dust and grime; nor did he take off his ragged cap. It had always been his custom to wear it in the privacy of his own home, it was one of the last things he removed before going to bed at night; at all other times it reposed on the top of his curly red head as the only safe place for a cap to be.

"I was real worried about Arthur along in March," said Mrs. Montgomery, as such odds and ends as had survived the appetites of all the little Montgomerys began to assemble themselves on the table.

"What's he been a-doin'?" inquired Arthur's father.

"It was his chest," explained Nellie.

ON THE HIGH IRON BRIDGE 341

Joe grunted. By this time his two elbows were planted on the edge of the table and his mouth was brought to within six scant inches of his plate. The handy-man's table manners were not his strong point.

"Oh, I guess his chest is all right!" he paused to say.

"I thought it was best to be on the safe side, so I took him up-town and had his health examined by a doctor. He had to take off his shirt so he could hear Arthur's lungs."

"Well, I'm damned,—what did he do that for?" cried Joe, profoundly astonished.

"It was a mercy I'd washed him first," added Nellie, not comprehending the reason of her husband's sudden show of interest though gratified by it.

"Lord, I thought you meant the doctor had took off his shirt!" said Joe. "He's all right now, ain't he?"

"Yes, but he did have such an alarmin' cough; it hung on and hung on, it seemed to me like it was on his chest, but the doctor said no, and I was that relieved! I used some of the twenty dollars to pay him and to get medicine from the drug store."

Joe was cramming his mouth full of cold meat and bread, and for the moment could not speak; when at length he could and did, it was to say:

"I hear Andy Gilmore's left town?"

"Yes, all of a sudden, and no one knows where he's gone!"

342 THE JUST AND THE UNJUST

"I guess he's had enough of Mount Hope, and I guess Mount Hope's had enough of him!" remarked Joe.

"They say the police was goin' to stop the gamblin' in his rooms if he hadn't gone when he did."

"Well, I hope he'll catch hell wherever he is!" said Joe, with a sullen drop to his voice.

"For a while after you left, Joe, they didn't give me no peace at all—the police and detectives, I mean—they was here every day! And Shrimplin told me they was puttin' advertisements in the papers all over the country."

"What for?" inquired Montgomery uneasily.

"They wanted to find out where you'd gone; it seemed like they was determined to get you back as a witness for the trial," explained Nellie.

Montgomery's uneasiness increased. He began to wonder fearfully if he was in any danger, vague forebodings assailed him. Suppose he was pinched and sent up. His face blanched and his small blue eyes slid around in their sockets. Nellie was evidently unaware of the feeling of terror her words had inspired, for she continued:

"But it didn't make no difference in the end that you wasn't here, for everybody says it was you that hanged John North; you get all the credit for that!"

Montgomery's hands fell at his side.

"Me hanged John North! Me hanged John

ON THE HIGH IRON BRIDGE 343

North!" he repeated. "But he ain't hanged—God A'mighty, he ain't hanged yet!"

His voice shot up into a wail of horrified protest. Nellie regarded him with a look of astonishment. She had been rather sorry for young John North, but she had also felt a certain wifely pride in Joe's connection with the case.

"No, he ain't hanged yet but he will be in the morning!" she said.

The handy-man sprang to his feet, knocking over the chair in which he had been seated.

"What's that?" he roared.

"Why, haven't you heard? He's to be hung in the morning."

Joe glared at her with starting eyes.

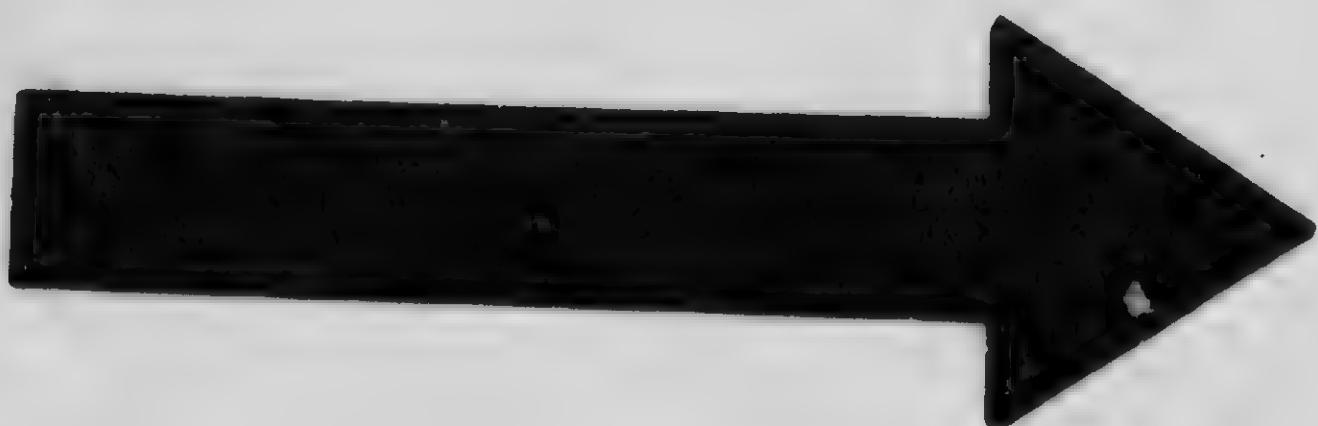
"What will they do that for—hang him—hang John North!" He tore off his ragged cap and dashed it to the floor at his feet. "To hell with Andy Gilmore and to hell with Marsh Langham—that's why they drove me out of town—to hell with 'em both!" he shouted, and his great chest seemed bursting with pent-up fury.

"Why, whatever do you mean, Joe?" cried Nellie.

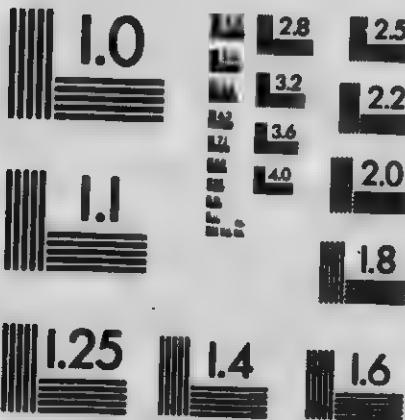
"He never done it—you hear me—and they know it! You sure you got the straight of this—they are goin' to hang young John North?" He seized her roughly by the shoulders.

"Yes—how you take on, Joe—"

"Take on!" he shouted. "You'd take on too if



MICROCOPY RESOLUTION TEST CHART
(ANSI and ISC TEST CHART No. 2)



APPLIED IMAGE Inc.

1853 East Main Street
Rochester, New York 14609 USA
(716) 482-0300 - Phone
(716) 288-5989 - Fax

you stood in my place. You're sure you know what you're talkin' about?"

"I seen the fence around the jail yard where they're goin' to hang him; I went over on purpose yesterday with one of the neighbors and took Arthur; I thought it would be improvin', but he'd seen it before. There ain't much he don't see—for all I can do he just runs the streets."

Joe's resolution had been formed while she was speaking, and now he snatched his ragged cap from the floor.

"You stay right here till I get back!" he said gruffly.

It was not his habit to discuss affairs of any moment with Mrs. Montgomery, since in a general way he doubted the clearness of the feminine judgment, and in the present instance he had no intention of taking her into his confidence. The great problem by which he was confronted he would settle in his own fashion.

"You ain't in any trouble, Joe?" and Nellie's eyes widened with the birth of sudden fear.

The handy-man was standing by the door, and she went to his side.

"Me? No, I guess not; but I got an everlastin' dose of it for the other fellow!" and he reached for the knob.

"Was it what I said about the police wantin' you?" his wife asked timidly.

She knew that his dealings with the police had

ON THE HIGH IRON BRIDGE 345

never been of an especially fortunate nature. He shook off the hand she had placed on his arm.

"You keep your mouth shut till I get back!" he said, and pushing open the door, passed out.

The night had cleared since he crossed the bridge, and from the great blue arch of heaven the new moon gave her radiance to a sleeping world. But Montgomery was aware only of his purpose as he slouched along the path toward the railroad track. The horror of North's fate had fixed his determination, nothing of terror or fear that he had ever known was comparable to the emotion he was experiencing now. He did not even speculate on the consequences to himself of the act he had decided on. They said that he had hanged John North—he got the credit for that—well, John North wasn't hanged yet! He tossed his arms aloft. "My God, I didn't mean to do that!" he muttered.

He had gained the railroad tracks and was running toward the bridge, the very seconds seemed of infinite value to him, for suppose he should have difficulty in finding Moxlow? And if he found the prosecuting attorney, would he believe his story? A shudder passed through him. He was quite near the bridge when suddenly he paused and a whispered curse slipped from between his ~~pr~~ d lips. A man was standing at the entrance to the bridge and though it was impossible to distinguish more than the shadowy outline of his figure, Montgomery was certain that it was Marshall Langham. His first im-

pulse was to turn back and go into town by the wagon road and the wooden bridge, but as he hesitated the figure came toward him, and Langham spoke.

"Is that you, Joe?" he asked.

"Damn him, he knows I won't stand for hangin' North!" the handy-man told himself under his breath. He added aloud as he shuffled forward, "Yes, it's me, boss!"

"Couldn't you make it right with Nellie?" asked Langham.

"Oh, it isn't that—the old woman's all right—but the baby's sick and I'm out huntin' a doctor."

He did not expect Langham to believe him, but on the spur of the moment he could think of nothing better.

"I am sorry to hear that!" said Langham.

An evil wolfish light stole into his eyes and the lines of his weak debauched face hardened.

"What's the matter with you, boss; couldn't you get across?" asked Joe.

"No, the bridge is too much for me. Like a fool I stopped here to smoke a cigar after you left me; I hoped it would clear off a bit so I could see the ties, but it's worse now that I can. I had about made up my mind to come and get you to help me back into town."

"Come along, boss, I'm in a terrible hurry!" said Joe eagerly.

But Langham was a pace or two in advance of him

ON THE HIGH IRON BRIDGE 347

when they stepped out on the bridge. Never once did he glance in the handy-man's direction. Had he done so, Montgomery must have been aware that his face showed bloodless in the moonlight, while his sunken eyes blazed with an unaccustomed fire.

"I can't walk these ties, Joe—give me your hand—" he managed to say.

Joe did as he desired, and as the lawyer's slim fingers closed about his great fist he was conscious that a cold moisture covered them. He could only think of a dead man's hand.

"What's wrong with the baby, Joe?" Langham asked.

"Seems like it's got a croup," said Joe promptly.
"That's too bad—"

"Yes, it's a hell of a pity," agreed Montgomery.

He was furtively watching Langham out of the corners of his beady blue eyes; his inner sense of things told him it was well to do this. They took half a dozen steps and Langham released Joe's hand.

"I wonder if I can manage this alone!" he said. But apparently the attempt was a failure, for he quickly rested his hand on his companion's massive shoulder.

They had reached the second of the bridge's three spans. Below them in the darkness the yellow flood poured in noisy volume. As Langham knew, here the stream was at its deepest and its current the swiftest. He knew also that his chance had come;

but he dared not make use of it. The breath whistled from his lips and the moisture came from every pore. He sought frantically to nerve himself for the supreme moment; but suppose he slipped, or suppose Joe became aware of his purpose one second too soon!

"Keep over a bit, boss!" said the handy-man suddenly. "You are crowding me off the bridge!"

"Oh, all right; is that better?"

And Langham moved a step aside.

"A whole lot," responded Joe gruffly. But his little blue eyes, alert with cunning, were never withdrawn from the lawyer for an instant.

They walked forward in silence for a moment or two, and were approaching the end of the center span, when the lawyer glanced about him wildly; he realized that he was letting slip his one great opportunity. Again Joe spoke:

"Keep over, boss!" And then all in the same breath, "What the hell are you up to, anyway?"

It must be now or it would be never; and Langham, turning swiftly, hurled himself on his companion, and his slim fingers with their death-like chill gripped Joe's hairy throat. In the suddenness of the attack he was forced toward the edge of the bridge. The rush of the noisy waters sounded with fearful distinctness in his ears.

"Here, damn you, let go!" panted Montgomery. He felt Langham's hot breath on his cheek, he read murder by the wolfish light in his eyes. He

ON THE HIGH IRON BRIDGE 349

wrenched himself free of the other's desperate clutch, but as he did so his foot caught against one of the rails and he slipped and fell to his knees. In the intervals of his own labored breathing, he heard the flow of the river, a dull ceaseless roar, and saw the flashing silver of the moon's rays as they touched the water's turgid surface. Langham no longer sought to force him from the bridge, but bent every effort to thrust him down between the ties to a swift and certain death.

"You want to kill me, too!" panted Montgomery, as by a mighty effort that brought the veins on neck and forehead to the point of bursting, he regained his footing on the ties.

But his antagonist was grimly silent, and Joe, roused to action by fear, and by a sullen rage at what he deemed the lawyer's perfidy, turned and grappled with him. Once he smashed his great fist full into Langham's face, and though the blow sent the lawyer staggering across the bridge, he recovered himself quickly and rushed back to renew the fight. Montgomery greeted him with an oath, and they grappled again.

Langham had known in his calmer moments when he planned Joe's death, that his only hope of success lay in the suddenness of his attack. Now as they swayed on the very edge of the bridge the handyman put forth all his strength and lifted the lawyer clear of the ties, then with a mighty heave of his great shoulders he tossed him out into space.

350 THE JUST AND THE UNJUST

There was a scarcely audible splash and Joe, looking fearfully down, saw the muddy drops turn limpid in the soft white light. A moment later some dark object came to the surface and a white face seemed to look up into his, but only for a second, and then the restless flood bore it swiftly away.

CHAPTER TWENTY-SIX

CUSTER'S IDOL FALLS

EARLY that same night Mr. Shrimplin, taking Custer with him, had driven out into the country. Their destination was a spot far down the river where catfish were supposed to abound, for Izaak Walton's gentle art was the little lamplighter's favorite recreation. After leaving Mount Hope they jogged along the dusty country road for some two miles, then turning from it into a little-traveled lane they soon came out upon a great sweeping bend of the stream.

"I don't know about this, Custer," said Mr. Shrimplin, with a doubtful shake of the head, as he drew rein. "She's way up. I had no idea she was way up like this; I guess though we can't do no better than to chance it, catfish is a muddy-water fish, anyhow."

He tied wild Bill to a blasted sycamore, and then, while he cut poles from the willow bushes that grew along the bank, Custer built a huge bonfire, by the light of which they presently angled with varying fortunes.

"I reckon not many people but me knows about

this fishing-hole!" said Shrimplin, as he cast his baited hook into the water.

"Where did you learn to fish?" asked Custer, thirsting for that wisdom his father was so ready to impart.

"I guess you'd call it a natural gift in my case, son," said the little lamplighter modestly. "I don't know as I deserve no credit; it's like playing the organ or walking on a tight rope, the instinct's got to be there or you'll only lay yourself open to ridicule."

But truth to tell, fishing was no very subtle art as practised by Mr. Shrimplin, he merely spat on his bait before he dropped it into the water. Even Custer knew that every intelligent fisherman did this, you couldn't reasonably hope to catch anything unless you did; yet there seemed to him, when he now thought of it, such a gap between cause and effect that he asked as he warily watched his cork:

"What good does it do to spit on your hook?"

"I've forgot the science of it, Custer," admitted his father after a moment's thought. "But I've always heard old fishermen say you couldn't catch nothing unless you did."

"Did you ever try to?"

"I can't say as I ever did. What would be the use when you know better?" said Mr. Shrimplin, who was strictly orthodox. His cork went under and he landed a flopping shiner on the bank; this he took from his hook and tossed back into the water. "It's a funny thing about shiners!" he said.

"What is?" inquired Custer.

"Why, you always catch 'em when you ain't fishing for 'em. You fish for catfish or sun-dabs, or bass even, if you're using worms, and you catch shiners; mainly, I suppose, because they are no manner of use to you. I reckon if you fished for shiners you wouldn't catch anything,—you couldn't—because there is no more worthless fish that swims! That's why fishing is like life; in fact, you can't do nothing that ain't like life; but I don't know but what catching shiners ain't just a little bit more like life than anything else! You think you're going to make a lot of money out of some job you've got, but it shaves itself down to half by the time it reaches you; or you've got to cough up double what you counted on when it's the other way about; so it works out the same always; you get soaked whether you buy or sell, from the cradle to the grave you're always catching shiners!" While Mr. Shrimplin was still philosophizing big drops of warm spring rain began to splash and patter on the long reach of still water before them. He scrambled to his feet. "We are going to have some weather, Custer!" he said, and they had scarcely time in which to drive Bill under the shelter of a disused hay barracks in an adjacent field, when the storm broke with all its fury. Here they spent the better part of an hour, and when at last the rain ceased they climbed into Bill's cart and turned Bill's head in the direction of home.

"I hope, Custer, that your ma won't be scared; it's getting mighty late," said the senior Shrimplin, and he shook his head as if in pity of a human weakness which his mind grasped, though he could not share in it. "Seems to be that people give way more and more to their fear than they used to; or maybe it is that I ask too much, being naturally nervy myself and not having no nerves, as I may say."

Half an hour later, off in the distance, the lights of Mount Hope became visible to Custer and his father.

"I'd give a good deal for a glass of suds and a cracker right now!" said Mr. Shrimplin, speaking after a long silence. He tilted his head and took a comprehensive survey of the heavens. "Well, we're going to have a fine day for the hanging," he observed, with the manner of a connoisseur.

"Why won't they let no one see it?" demanded Custer.

"It's to be strictly private. I don't know but what that's best; it's some different though from the hangings I'm 'sed to." And Mr. Shrimplin shook his head dubiously as if he wished Custer to understand that after all perhaps he was not so sure it was for the best.

"How were they different?" inquired Custer, sensible that his parent was falling into a reminiscent mood.

"Well, they were more gay for one thing; folks drove in from miles about and brought their lunches

and et fried chicken. Sometimes there was hoas racing in the morning, and maybe a shooting scrape or two; fact is, we usually knowed who was to be the next to stretch hemp before the day was over,—it gave you something to look forward to! But pshaw! What can you expect here? Mount Hope ain't educated up to the sort of thing I'm used to! A feller gets his face punched down at Mike Lonigan's or out at the Dutchman's by the tracks, and the whole town talks of it, but no one ever draws a gun; the feller that gets his face punched spits out his teeth and goes on about his business, and that's the end of it except for the talk; but where I've been there'd be murder in about the time it takes to shift a quid!"

And Mr. Shrimplin shifted his own quid to illustrate the uncertainty of human life in those highly favored regions.

"Don't you suppose they'd let you into the jail yard to-morrow if you asked?" said Custer, to whom the hanging on the morrow was a matter of vital and very present interest.

"Well, son, I ain't *asked!*" rejoined the little lamplighter in a rather startled tone.

"Well, don't you think they'd ought to, seeing that you was one of the witnesses, and found old Mr. McBride before anybody else did?" persisted the boy.

"I won't say but what you might think they'd want me present; but Conklin ain't even suggested it, and if he don't think of it I can't say as I'll have

any hard feelings," concluded Mr. Shrimplin magnanimously.

They were about to enter Mount Hope now; to their right they could distinguish the brick slaughter-house which stood on the river bank, and which served conveniently to mark the town's corporate limits on the east. The little lamplighter spoke persuasively to Bill, and the lateness of the hour together with the nearness to his own stable, conspired to make that sagacious beast shuffle forward over the stony road at a very respectable rate of speed. They were fairly abreast of the slaughter-house when Custer suddenly placed his hand on his father's arm.

"Hark!" said the boy.

Mr. Shrimplin drew rein.

"Well, what is it, Custer?" he asked, with all that bland indulgence of manner which was habitual to him in his intercourse with his son.

"Didn't you hear, it sounded like a cry!" said Custer, in an excited whisper.

And instantly a shiver traversed the region of Mr. Shrimplin's spine.

"I guess you was mistaken, son!" he answered rather nervously.

"No, don't you hear it—from down by the crick bank?" cried the boy in the same excited whisper. His father was conscious of the wish that he would select a more normal tone.

"There!" cried Custer.

As he spoke, a cry, faint and wavering, reached Mr. Shrimplin's ears.

"I do seem to hear something—" he admitted.

"What do you suppose it is?" asked the boy, peering off into the gloom.

"I don't know, Custer, and not wishing to be short with you, I don't care a damn!" rejoined Mr. Shrimplin, endeavoring to meet the situation with an air of pleasant raillery.

He gathered up his lines as he spoke.

"Why, what are you thinking of?" demanded Custer.

"I was thinking of your ma, Custer!" faltered Mr. Shrimplin weakly. "We been gone longer than we said, it must be after eleven o'clock."

"There!" cried Custer again, as a feeble call for help floated up to them. "It's from down on the crick bank back of the slaughter-house!"

Mr. Shrimplin was knowing a terrible moment of doubt, especially terrible because the doubt was of himself. He was aware that Custer would expect much of him in the present crisis, and he was equally certain that he would not rise to the occasion. If somebody would only come that way! And he listened desperately for the sound of wheels on the road, but all he heard was that oft-repeated call for help that came wailing from the black shadows beyond the slaughter-house. Suddenly Custer answered the call with a reassuring cry.

"Perhaps it's another murder!" he said.

"Oh, my God!" gasped Shrimplin, and there flashed through his mind the horror of that other night.

Custer slipped out of the cart.

"Come on!" he cried.

He was vaguely conscious that his father was not seizing the present opportunity to distinguish himself with any noticeable avidity. He had expected to see that conqueror of bad men and cowtowns, the somewhat ruthless but always manful slayer of one-eye Murphy, descend from his cart with astonishing alacrity, and heedless in his tried courage stride down into the darkness beyond the slaughter-house. But Mr. Shrimplin did nothing of the sort, he made no move to quit his seat. Surely something had gone very wrong with the William Shrimplin of Custer's fancy, the young Bill Shrimplin of Texarcana and similar centers of crime and hardihood.

"Custer—" began Mr. Shrimplin, in a shaking voice. "I am wondering if it wouldn't be best to drive on into town and get a cop—Oh, my God, why don't you quit hollering!"

"Maybe they're killing him now!" cried Custer breathlessly.

He could not yet comprehend his father's attitude in the matter, he could only realize that for some wholly inexplicable reason he was falling far short of his ideal of him; he seemed utterly to have lost his eye for the spectacular possibilities of the mo-

ment. Why share the credit with a cop, why ask help of any one!

"You don't need no help, pa!" he said.

"Well, I don't know as I do," replied the little man, but he made no move to leave his cart, his fears glued him to the seat.

"Come on, then!" insisted Custer impatiently.

"Don't you feel afraid, son?" inquired Mr. Shrimplin, with marked solicitude.

"Not with you!"

"Well, I don't know as you need to!" admitted Shrimplin. "But I don't feel quite right—I reckon I feel sort of sick, Custer—sort of—"

"Oh, come on—hurry up!"

"I don't know but I ought to see a doctor first—" faltered Mr. Shrimplin in a hollow tone.

Misery of soul twisted his weak face pathetically.

"Why you act like you was a *'raid!*" said Custer, with withering contempt.

His words cut the elder Shrimplin like a knife; but they did not move him from his seat in the cart.

"You bet I ain't afraid, Custer,—and that's no way for you to speak to your pa, anyhow!"

But what he had intended should be the note of authority was no more than a whine of injury.

"Then why don't you come if you ain't afraid?" insisted the boy angrily.

"I don't know as I rightly know *why* I don't!" faltered Mr. Shrimplin. "I feel rotten bad all at once."

"You're a coward!" cried the boy in fierce scorn. Sobs choked his further utterance while the hot tears blinded him on the instant. His idol had turned to clay in his very presence, and in the desolation of that moment he wished that he might be stricken with death, since life held nothing for him longer.

"Custer—" began Shrimplin.

"Why don't you be a man and go down there?" sobbed the boy.

"It's dangerous!" said Mr. Shrimplin.

"Then I'll go!" declared Custer resolutely.

"What—and leave me here alone?" cried the little lamplighter.

For answer Custer ran to the fence; his tears still blinded him and sobs wrenched his little body. Twice he slipped back as he essayed to climb, but a third attempt took him to the topmost rail of the rickety structure.

"Custer!" called his father.

But Custer persisted in the crime of disobedience. He slid down from the top rail and stood among the young pokeberry bushes and ragweed that luxuriated in the foulness of the slaughter-house yard. It was not an especially inviting spot even in broad day, as he knew. Now the moonlight showed him bleached animal bones and grinning animal skulls, while the damp weeds that clung about his bare legs suggested snakes.

"Custer!" cried Mr. Shrimplin again.

But it gained him no response from the boy, who disappeared from before his eyes without a single backward glance; whereat the little lamplighter cursed querulously in the fear-haunted solitude of the road.

Custer descended the steep bank that sloped down to the water's edge. His eyes were fixed on a dense growth of willows and sycamores that lined the shore; it was from a spot within their black shadows that the cries for help seemed to come. Presently he paused.

"Hullo!" he called, peering into the darkness ahead of him.

He listened intently, but this time his cry was unanswered; all he heard was the grunting of some pigs that fed among the offal. The boy shivered and his heart seemed to stop beating.

"Hullo!" he called once more.

"Help!" came the answer.

And Custer stumbled forward. As he neared the black shadows of the willows he could feel his heart sink like lead through all the reaches of his shaking anatomy. He had passed quite beyond the hearing of his father's commands and reproaches, and the wash and rush of the river came up to him out of the silence.

"Hullo!" cried the boy, pausing irresolutely.

Then seemingly from the earth at his very feet came a faint answer to his call, and Custer, forcing his way through a rank growth of weeds and briars,

stood on the brink of a deep gully that a small brook had worn for itself on its way to the river below. In the bed of this brook was a dark object that Custer could barely distinguish to be the figure of a man. A bruised and bleeding face was upturned.

"Give me your hand—" gasped the man.

Custer knelt on the bank and grasping a tuft of grass to steady himself extended his free hand.

"Are you hurt bad?" he asked.

"I don't know—" gasped the man, as he endeavored to draw himself up out of the bed of the brook.

But after a moment of fruitless exertion he sank back groaning.

"Go for help!" he said, in a painful whisper. "You are not strong enough for this."

"How did you get here?" asked Custer.

"I fell off the railroad bridge, the current landed me here; where am I, anyhow?"

"At the brick slaughter-house," said Custer.

"I thought so; can't you get some one to help you?"

But Custer, his reasonable curiosity satisfied, was already on his way back to the road. "If only pa has not driven off!" But the senior Shrimplin had not moved from the spot where Custer had left him five minutes before.

"Is that you, son?" he asked, as Custer appeared at the fence.

"Come here, quick!" commanded the boy.

"For what?" inquired Mr. Shrimplin.

"You needn't be afraid, it's only a man who's fallen off the iron bridge. He's down in the bed of the slaughter-house run. I can't get him out alone!"

"I'll bet he's good and drunk!" said the little lamplighter.

"No, he ain't, and he's mighty badly hurt!" said the boy hotly.

"Of course, of course, Custer!" said Mr. Shrimplin. "He'd a been killed though if he hadn't been drunk."

He climbed out of his cart, and clambered over the fence. Something in Custer's manner warned him that any allusions of a jocular nature would prove highly distasteful to his son, and he followed silently as Custer led the way down to the brook.

"Here's where he is!" said the boy halting. "You get down beside him—you're strongest, and I'll stay here and help pull him up while you lift!"

"That's the idea, son!" agreed Mr. Shrimplin genially.

And he slid down into the bed of the brook where he struggled to get the injured man to his feet. The first and immediate result of his effort was that the latter swore fiercely at him, though in a whisper.

"We got to get you out of this, mister!" said the little lamplighter apologetically.

A second attempt was made in which they were aided by Custer from above, and this time the in-

364 THE JUST AND THE UNJUST

jured man was drawn to the top of the bank, where he collapsed in a heap.

"He's fainted!" said Custer. "Strike a match and see who it is!"

Mr. Shrimplin obeyed, bringing the light close to the bloody and disfigured face.

"Why, it's Marsh Langham!" he cried.

CHAPTER TWENTY-SEVEN

FAITH IS RESTORED

"CUSTER—" began Mr. Shrimplin, and paused to clear his throat. He was walking beside wild Bill's head while Custer in the cart tried to support Langham, for the latter had not regained consciousness. "Custer, I'm mighty well satisfied with you; I may say that while I always been proud of you, I am prouder this moment than I ever hoped to be! How many boys in Mount Hope, do you think, would have the nerve to do what you just done? I love nerve," concluded Mr. Shrimplin with generous enthusiasm.

But Custer was silent, a sense of bitter shame kept him mute.

"Custer," said his father, in a timidly propitiatory tone, "I hope you ain't feeling stuck-up about this!"

"I wish it had never happened!" The boy spoke in an angry whisper.

"You wish what had never happened, Custer?"

"About you—I mean!"

Shrimplin gave a hollow little laugh.

"Well, and what about me, son—if I may be allowed to ask?"

"I wish you'd gone down to the crick bank like I wanted you to!" rejoined the boy.

Again he felt the hot tears gather, and drew the back of his hand across his eyes. The little lamplighter had been wishing this, too; indeed, it would for ever remain one of the griefs of his life that he had not done so. He wondered miserably if the old faith would ever renew itself. His portion in life was the deadly commonplace, but Custer's belief had given him hours of high fellowship with heroes and warriors; it had also ministered to the bloody-mindedness which lay somewhere back of that quaking fear constitutional with him, and which he could no more control than he could control his hunger or thirst. His blinking eyelids loosed a solitary drop of moisture that sli' l out to the tip of his hooked nose. But though Mr. Shrimplin's physical equipment was of the slightest for the rôle in life he would have essayed, nature, which gives the hunted bird and beast feather and fur to blend with the russets and browns of the forest and plain, had not dealt ungenerously with him, since he could believe that a lie long persisted in gathered to itself the very soul and substance of truth. Another hollow little laugh escaped him.

"Lord, Custer, I was foolin'—I am always foolin'! It was my chance to see the stuff that's in you. Well, it's pretty good stuff!" he added artfully.

But Custer was not ready for the reception of this new idea; his father's display of cowardice had

seemed only too real to him. Yet the little lamplighter's manner took on confidence as he prepared to establish a few facts as a working basis for their subsequent reconciliation.

"I'd been a little better pleased, son, if you'd gone quicker when you heard them calls Mr. Langham was letting out; you did hang back, you'll remember—it looked like you was depending on me too much; but I got no desire to rub this in. What you done was nervy, and what I might have looked for with the bringing-up I've given you. I shan't mention that you hung back." He shot a glance out of the corners of his bleached blue eyes in Custer's direction. "How many minutes do you suppose you was in getting out of the cart and over the fence? Not more than five, I'd say, and all that time I was sitting there shaking with laughter—just shaking with inward laughter; I asked you not to leave me alone! Well, I always was a joker but I consider that my best joke!"

Custer maintained a stony silence, yet he would have given anything could he have accepted those pleasant fictions his father was seeking to establish in the very habiliments of truth.

"I hoped you'd know how to take a joke, son!" said the little lamplighter in a hurt tone.

"Were you joking, sure enough?" asked Custer doubtfully.

"Is it likely I could have been in earnest?" demanded Shrimplin, hitching up his chin with an air

of disdain. "What's my record right here in Mount Hope? Was it Andy Gilmore or Colonel Harbison that found old man McBride when he was murdered in his store?" And the little lamplighter's tone grew more and more indignant as he proceeded. "Maybe you think it was your disgustin' and dirty Uncle Joe? I seem to remember it was Bill Shrimplin, or do I just dream I was there—but I ain't been called a liar, not by no living man—" and he twirled an end of his drooping flaxen mustache between thumb and forefinger. "Facts is facts," he finished.

"Everybody knows you found old Mr. McBride—" said Custer rather eagerly.

"I'm expecting to hear it hinted I didn't!" replied Mr. Shrimplin darkly. "I'm expecting to hear it stated by some natural-born liar that I set in my cart and bellered for help!"

"But you didn't, and nobody says you did," insisted the boy.

"Well, I'm glad you don't have to take my word for it," said Shrimplin. "I'm glad them facts is a matter of official record up to the court-house. I don't know, though, that I care so blame much about being held up as a public character; if I hadn't a reputation out of the common, maybe I wouldn't be misjudged when I stand back to give some one else a chance!"

He laughed with large scorn of the world's littleness.

The epic of William Shrimplin was taking to it-

self its old high noble strain, and Custer was aware of a sneaking sense of shame that he could have doubted even for an instant; then swiftly the happy consciousness stole in on him that he had been weighed in the balance by this specialist in human courage and had not been found wanting. And his heart waxed large in his thin little body.

They were jogging along Mount Hope's deserted streets when Marshall Langham roused from his stupor.

"Where are you taking me?" he demanded of the boy.

"Home, Mr. Langham—we're almost there now," responded Custer.

"Take me to my father's," said Marshall with an effort, and his head fell over on Custer's small shoulder.

He did not speak again until Bill came to a stand before Judge Langham's gate.

"Are we there?" he asked of the boy.

"Yes—"

"Don't you think we'd better get help?" said Shrimplin.

And Marshall seeming to acquiesce in this, the little lamplighter entered the yard and going to the front door rang the bell. A minute passed, and growing impatient he rang again. There succeeded another interval of waiting in which Shrimplin cocked his head on one side to catch the sound of possible footsteps in the hall.

"He says try the knob," called Custer from the cart.

Doing this, Shrimplin felt the door yield, it was not locked; at the same instant he made this discovery, however, he heard a footfall in the street and so, hurried back to the gate. The new-comer halted when he was abreast of wild Bill, and stared first at the cart and then at Shrimplin.

"Is anything the matter?" he asked.
It was Watt Harbison.

"Young Mr. Langham has fell off the high iron bridge," said the little lamplighter, with a dignity that more than covered his lapse from grammar.

"Why—are you badly hurt, Marsh?" cried Watt, going close to the cart.

"I don't know, I'm in most infernal pain," said Langham slowly.

"Do you think we can lift him?" asked Shrimplin.
"The judge don't seem to be at home."

"Your boy would better go to my uncle's; Judge Langham may be there," said Watt.

And Custer promptly slid out of the cart and sped off up the street.

Langham met the delay with grim patience. A strange indifference had taken the place of fear, nothing seemed of much moment any more. Presently in his stupor he heard the sound of quick steps, then Colonel Harbison's voice, and a moment later he was aware that the three men had lifted him from

the car and were carrying him along the path toward the house. They entered the hall.

"Take me up-stairs," he said, and without pause his bearers moved forward.

They saw now that his face was pinched and ghastly under the smear of blood that was oozing from an ugly cut on his cheek, and Watt and the colonel exchanged significant glances. When they reached the head of the stairs Custer pushed open the first door; the room thus disclosed was in darkness, and the colonel, with a whispered caution to his companions, released his hold on Langham, and striking a match, stepped into the room where, having found the chandelier, he turned on the gas. As the light flared up, Shrimplin and Watt advanced with their helpless burden. It was the judge's chamber they had entered and it was not untenanted, for there on the bed lay the judge himself.

It was Langham who first saw that recumbent figure. A hoarse inarticulate groan escaped him. He twisted clear of the hands that supported him and by a superhuman effort staggered to his feet, he even took an uncertain step in the direction of the bed, his starting eyes fixed on the spare figure. Then his strength deserted him and with a cry that rose to a shriek, he pitched forward on his face.

The colonel strode past the fallen man to the bedside, where for an instant he stood looking down on a placid face and into open eyes. As his glance

wandered he saw that the judge's nerveless fingers still grasped the butt of a revolver.

White-faced he turned away. "Is he dead, Colonel?" asked the little lamplighter in an awe-struck voice. "Was he murdered?" and visions of future notoriety flashed through his mind.

The colonel and Watt exchanged shocked glances. "Here, Shrimplin, help me with Marsh!" said Watt. "We must get him out of here at once!"

They lifted Langham in their arms and bore him into an adjoining room. As they placed him upon the bed he recovered consciousness and clutched Watt by the sleeve.

"I've been seeing all sorts of things to-night—it began while I lay in that ditch with the pigs rooting about me! Where is my father, can't you find him?" he demanded eagerly.

Watt turned his head away.

"Then that was not a dream—you saw it, too?" said Langham huskily. He dropped back on his pillow. "Dead—Oh, my God!" he whispered, and was a long time silent.

Harbison despatched Shrimplin and Custer in quest of a physician, and he and Watt busied themselves with removing Marshall's wet clothes. When this was done they washed the blood-stains from his face. He did not speak while they were thus occupied; his eyes, wide and staring, were fixed on vacancy. He was seeing only that still figure on the bed in the room adjoining.

There was a brisk step on the stairs and they were joined by Doctor Taylor.

"I declare, Marsh, I am sorry for this. You must have had quite a tumble, how did you manage it?" he said, as he approached the bed.

Langham's eyes lost something of their intentness as they were turned toward the physician, but he did not answer him. The doctor moved a step aside with Colonel Harbison.

"Had he been drinking?" he asked in a low tone.
"I don't know," said the colonel.

"Shrimplin has gone for Mrs. Langham—I think they are here now. Don't let her come up until I have made my examination. Will you see to this?"

And the colonel quitted the room and hurried down-stairs.

As he gained the floor below, Evelyn entered the house.

"How is Marsh, Colonel Harbison?" she asked. Her face was colorless but her manner was unexcited; her lips even had a smile for the colonel.

"Doctor Taylor is with him, and I trust he will be able to tell you that Marshall's injuries are not serious!" said Harbison gently.

"Where is he? I must go to him—"

"The doctor prefers that you wait until he finishes his examination," said the colonel. He drew her into the library. "Evelyn, I must tell you—you must know that something else—unspeakably dreadful—has happened here to-night!"

"Yes?" The single word was no more than a breath on her full lips.

The colonel hesitated.

"You need not fear to tell me—whatever it is, I—I am prepared for anything—" said Evelyn, with a pause between each word.

"The judge is dead," said Harbison simply. "My poor old friend is dead!"

"Dead—Marshall's father dead!" She looked at him curiously, with a questioning light in her eyes. "You have not told me all, Colonel Harbison!"

"Not told you all—" he repeated.

"How did he die?"

"I think—I fear he shot himself, but of course it may have been the purest accident—"

"It was not an accident—" she cried with a sob. "Oh, don't mind what I am saying!" she added quickly, seeing the look of astonishment on the colonel's face.

"Mrs. Langham may come up if she wishes!" called Doctor Taylor, speaking from the head of the stairs.

Evelyn moved down the hall and paused.

"Does Marsh know?" she asked of the colonel.

"Yes, unfortunately we carried him into his father's room," explained Harbison.

Evelyn went slowly up the stairs. The horror of the situation was beyond words. As she entered the room where Marshall lay, Watt Harbison and the doctor silently withdrew into the hall, closing the

door after them; but Langham gave no immediate sign that he was aware of his wife's presence.

"Marsh?" she said softly.

His palpable weakness and his cut and bruised face gave her an instinctive feeling of tenderness for him. At the sound of her voice Langham's heavy lids slid back and he gazed up at her.

"Have they told you?" he asked in an eager whisper.

"Yes," she said, and there was a little space of time when neither spoke.

She drew a chair to his bedside and seated herself. In the next room she could hear Doctor Taylor moving about and now and then an indistinct word when he spoke with Watt Harbison. She imagined the offices they were performing for the dead man. Then a door was softly closed and she heard footsteps as they passed out into the hall.

Evelyn kept her place at the bedside without even altering the position she had first taken, while her glance never for an instant left the haggard face on the pillow. Beyond the open windows the silver light had faded from the sky. At intervals a chill wind rustled the long curtains. This, and her husband's labored breathing were the only sounds in the leaden silence that followed the departure of the two men from the adjoining room. She was conscious of a dreary sense of detachment from all the world, the little circle of which she had been the center seemed to contract

376 THE JUST AND THE UNJUST

until it held only herself. Suddenly Langham turned uneasily on his pillow and glanced toward the window.

"What time is it?" he asked abruptly.

"It must be nearly day," said Evelyn. "How do you feel now, Marsh? Do you suffer?"

He shook his head. His eyes were turned toward the window.

"What day is this?" he asked after a brief silence.

"What day?" repeated Evelyn.

"Yes—the day of the week, I mean?"

"It's Friday."

"They are going to hang John North this morning!" he said, and he regarded her from under his half-closed lids. "I wonder what he is thinking of now?" he added.

"Would the governor do nothing?" she asked in a whisper.

She was white to the lips.

"And the Herbert girl—I wonder what she is thinking of!"

"Hush, Marsh—Oh, hush! I—I can not—I must not think of it!" she cried, and pressed her hands to her eyes convulsively.

"What does it matter to you?" he said grimly.

"Nothing in one way—everything in another!"

"I wish to God I could believe you!" he muttered.

"You may—on my soul, Marsh, you may! It was never what you think—never—never!"

"It doesn't matter now," he said, and turned his face toward the wall.

"Marsh—" she began.

He moved impatiently, and she realized that it was useless to attempt to alter what he had come to believe in absolutely. Beyond the windows the first pale streaks of a spring dawn were visible, but the earth still clothed itself in silence. The moments were racing on to the final act of the pitiless tragedy which involved so many lives.

"Marsh—" Evelyn began again.

"I've been a dog to endure your presence in my house!" he said bitterly.

Evelyn was about to answer him when Doctor Taylor came into the room.

"Is he awake?" he questioned.

Langham gazed up into the doctor's face.

"Will I get well?" he demanded.

"I hope so, Marshall—I can see no reason why a few days of quiet won't see you up and about quite as if nothing had happened."

"Come—I want to know the truth! Do you think I'm hurt internally, is that it?" He sought to raise himself on his elbow but slipped back groaning.

"You have sustained a very severe shock, still—" began the doctor.

"Will I recover?" insisted Langham impatiently.

"Oh, *please*, Marshall!" cried Evelyn.

"I want to know the truth! If you don't think

378 THE JUST AND THE UNJUST

you can stand it, go out into the hall while I thresh this matter out with Taylor!" But Evelyn did not leave her place at his bedside.

"You must not excite yourself!" said Taylor.

"Humph—if you won't tell me what I wish to know, I'll tell you my opinion; it is that I am not going to recover. I must see Moxlow. Who is down-stairs?"

"Colonel Harbison and his nephew."

"Ask Watt to find Moxlow and bring him here. He's probably at his boarding-house."

He spoke with painful effort, and the doctor glanced uncertainly at Evelyn, who by a slight inclination of the head indicated that she wished her husband's request complied with. Taylor quitted the room.

"Why do you wish to see Moxlow?" Evelyn asked the moment they were alone.

"I want him here; I may wish to tell him something—and I may not, it all depends," he said slowly, as his heavy lids closed over his tired eyes.

It was daylight without, and there was the occasional sound of wheels in the street. Evelyn realized with a sudden sense of shock that unless Marshall's bloodless lips opened to tell his secret, but a few hours of life remained to John North.

A struggle was going on within her, it was a struggle that had never ceased from the instant she first entered the room. One moment she found she could pray that Marshall might speak; and the next,

terror shook her lest he would, and declare North's innocence and his own guilt. She slipped from his bedside and stealing to the window parted the long curtains with trembling hands. She felt widely separated in spirit from her husband; he seemed strangely indifferent to her; only his bitter sense of injury and hurt remained, his love had become a dead thing, since his very weakness carried him beyond the need of her. She belonged to his full life and there was nothing of tenderness and sympathy that survived. A slight noise caused her to turn from the window. Marshall was endeavoring to draw himself higher on his pillow.

"Here—lift me up—" he gasped, as she ran to his side.

She passed an arm about him and did as he desired.

"That's better—" he panted.

"Shall I call the doctor?"

He shook his head and, as she withdrew her arm, lay back weak and shaken.

"I tell you I am hurt internally!" he said.

"Let me call the doctor!" she entreated.

"What can he do?"

"Marsh, if you believe this—" she began.

"You're thinking of him!" he snarled.

"I am thinking of you, Marsh!"

"He threw you over for the Herbert girl!" he said with an evil ghastly smile. "Do you want to save him for her?"

"You don't need to tell all, Marsh—" she said eagerly.

"That's v---!" and he laughed under his breath. "I can't imagine you advocating anything absolutely right! If I tell, I'll make a clean breast of it; if I don't I'll lie with my last breath!"

He was thinking of Joe Montgomery now, as he had thought of him many times since he drew himself up out of that merciless yellow flood into which the handy-man had flung him. Evelyn looked at him wonderingly. His virtues, as well as his vices, were things beyond her comprehension.

The door opened, and Moxlow came into the room. At sight of him, Langham's dull eyes grew brilliant.

"I thought you would never get here!" he said.

"This is too bad, Marsh!" said his law partner sympathizingly, as Evelyn yielded him her place and withdrew to the window again.

"Where's Taylor?" asked Langham abruptly.

"He's had to go to the jail, he was leaving the house as I got here," replied Moxlow.

There was the noise of voices in the hall, one of which was the colonel's, evidently raised in protest, then a clumsy hand was heard fumbling with the knob and the door was thrown open, and Joe Montgomery slouched into the room.

"Boss, you got to see me now!" he cried.

The prosecuting attorney sprang to his feet with an angry exclamation.

"Let him alone—" said Langham weakly. Montgomery stole to the foot of the bed and stared down on Langham.

"You tell him, boss," nodding his head toward Moxlow. "I put it up to you!" he said.

Langham's glance dwelt for an instant on the handy-man, then it shifted back to Moxlow.

"Stop the execution!" he said, and Moxlow thought his mind wandered. "North didn't kill McBride," Langham went on. "Do you understand me—he is not the guilty man!"

A gray pallor was overspreading his face. It was called there by another presence in that room; an invisible but most potent presence.

"Do you understand me?" he repeated, for he saw that his words had made no impression on Moxlow.

"Go on, boss!" cried Montgomery, in a fever of impatience.

"Do you understand what I am telling you? John North did not kill McBride!" Langham spoke with painful effort. "Joe knows who did—so do I—so did my father—he knew an innocent man had been convicted!"

At mention of the judge, Moxlow started. He bent above Langham.

"Marsh, if John North didn't kill McBride, who did?"

But Langham made no reply. Weak, pallid, and racked by suffering, he lay back on his pillow. Joe leaned forward over the foot of the bed.

382 THE JUST AND THE UNJUST

"Tell him, boss ; it's no odds to you now—tell him quick for God's sake, or it will be too late!" he urged in a fearful voice.

There was a tense silence while they waited for Langham to speak. Moxlow heard the ticking of the clock on the mantel.

"If you have anything to say, Marsh—"

Langham raised himself on his elbows and his lips moved convulsively, but only a dry gasping sound issued from them ; he seemed to have lost the power of speech.

"If North didn't kill McBride, who did?" repeated Moxlow.

A mighty effort wrenched Langham, again his lips came together convulsively, and then in a whisper he said :

"I did," and fell back on his pillow.

There was a moment of stillness, and then from behind the long curtains at the window came the sound of hysterical weeping.

Moxlow, utterly dazed by his partner's confession, looked again at the clock on the mantel. Fifteen minutes had passed. It was a quarter after eight. His brows contracted as if he were trying to recall some half forgotten engagement. Suddenly he turned, comprehendingly, to Montgomery.

"My God!—North!" he exclaimed and rushed unceremoniously from the room.

CHAPTER TWENTY-EIGHT

THE LAST NIGHT IN JAIL

WHETHER John North slept during his last night in jail the deputy sheriff did not know, for that kindly little man kept his arms folded across his breast and his face to the wall. The night wore itself out, and at last pale indications of the dawn crept into the room. There was the song of the birds and a little later the rumble of an occasional "gon over the paved streets. North stirred and opened his eyes.

"Is it light?" he asked.

"Yes," said the deputy.

The day began with the familiar things that make up the round of life, but North was conscious that he was occupying himself for the last time. Then he seated himself and began a letter he had told Brockett he wished to write. Once he paused.

"I will have time for this?" he asked.

"All the time you want, John," said Brockett hastily, as he slipped from the room.

The sun's level rays lifted and slanted into the cell, while North, remote from everything but the memory of Elizabeth's faith and courage, labored to

express himself. There was the sound of voices in the yard, but their significance meant nothing to him now. He wrote on without lifting his head. At last the letter was finished and inclosed with a brief note to the general.

The pen dropped from North's fingers and he stood erect, he was aware that men were still speaking below his window, then he heard footfalls in the corridor, and turned toward the door. It was the sheriff and his deputy. Conklin seemed on the verge of collapse, and Brockett's face was drawn and ghastly.

There was a grim pause, and then Conklin, in a voice that was but a shadow of itself, read the death-warrant. When he had finished, North cast a last glance about his cell and passed out of the door between the two men. They walked the length of the corridor, descended the stairs, and entered the jail office. North turned to Conklin.

"I wish to thank you and Brockett for your kindness to me, and if you do not mind I should like to shake hands with you both and say good-by here," for through the office windows he had caught sight of the group of men in the yard.

The sheriff, silent, held out his hand. He dared not trust himself to speak. North looked into his face.

"I am sorry for you," he said.

"My God, you may well be!" gasped Conklin.

North shook hands with Brockett, and walked

THE LAST NIGHT IN JAIL 385

toward the door; but as he neared it, Brockett stepped in front of him and threw it open. As North passed out into the graveled yard, out into the full light of the warm spring day, the sheriff mechanically looked at his watch. It was twenty minutes after eight.

CHAPTER TWENTY-NINE

AT IDLE HOUR

FROM her window Elizabeth saw the gray dawn which ushered in that June day steal over the valley below Idle Hour. Swiftly out of the darkness of the long night grew the accustomed shape of things. Wooded pastures and plowed fields came mysteriously into existence as the light spread, then the sun burst through the curtain of mist which lay along the eastern horizon, and it was day—the day of *his* death.

Their many failures trooped up out of the past and mocked at her; because of them he must die. They had gone with feverish haste from hope to hope to this dread end! Perhaps she had never really believed before that the day and hour would overtake them; when effort would promise nothing. But now the very sense of tragedy filled that silent morning, and her soul was in fearful companionship with it. A flood of wild imaginings swept her forward, across the little space of time that was left to her lover. Gasping for breath, she struggled with the grim horror that was growing up about him. His awful solitude came to her as a reproach; she should have remained with him to the

end! Was there yet time to go back, or would she be too late? When? When? And she asked herself the question she had not dared to ask of her father.

The day showed her the distant roofs of Mount Hope; the day showed her the square brick tower of the court-house—living or dead, John North was in its very shadow. She crouched by the window, her arms resting on the ledge and her eyes fixed on the distant tower. How had the night passed for him—had he slept? And the pity of those lonely hours brought the tears to her burning eyes. She heard her father come slowly down the hall; he paused before her door.

“Elizabeth—dear!” his voice was very gentle.
“Yes, father?”

But she did not change her position at the window.

“Won’t you come down-stairs, dear?” he said.

“I can not—” and then she felt the selfishness of her refusal, and added: “I will be down in a moment, I—I have not quite finished dressing—yet!”

John North had thought always of others. In the moment of his supremest agony, he had spoken not at all of himself; by word or look he had added nothing to the sorrow that was crushing her. This had been genuine courage.

“I must remember it always!” she told herself, as she turned away from the window. “I must not be selfish—he would not understand it—”

Her father was waiting for her at the foot of the stairs, and the glance he bent on her was keen with anxiety. Perfect understanding existed between them no less now than formerly, but the anguish which had left its impress on that white face removed her beyond any attempted expression of sympathy from him.

At the end of the hall the open door gave a wide vista of well-kept lawns. Elizabeth turned swiftly to this doorway. Her father kept his place at her side, and together they passed from the house out into the warm day. Suddenly the girl paused, and her eager gaze was directed toward Mount Hope—toward him.

"Would it be too late to go to him now?" she asked in a feverish whisper.

A spasm of pain contracted the old general's haggard face, but the question found him mute.

"Would it be too late?" she repeated.

"He would not desire it, Elizabeth," replied her father.

"But would it be too late?" and she rested a shaking hand on his arm.

"You must not ask me that—I don't know."

He tried to meet her glance, which seemed to read his very soul, then her hand dropped at her side and she took a step forward, her head bowed and her face averted.

Again came the thought of North's awful isolation; the thought of that lonely death where love

and tenderness had no place; all the ghastly terror of that last moment when he was hurried from this living breathing world! It was a monstrous thing! A thing beyond belief—incredible, unspeakable!

"We can believe in his courage," said her father, "as certainly as we can believe in his innocence."

"Yes—" she gasped.

"That is something. And the day will surely come when the world will think as we think. The truth seems lost now, but not for always!"

"But when he is gone—when he is no longer here—"

The general was silent. North had compelled his respect and faith; for after all, no guilty man could have faced death with so fine a courage. There was more to him than he had ever been willing to admit in his judgment of the man. Whatever his faults, they had been the faults of youth; had the opportunity been given him he would have redeemed himself, would have purged himself of folly. "Some day," the general was thinking, "I will tell her just what my feelings for North have been, how out of disapproval and doubt has come a deep and sincere regard."

The sun swept higher in the heavens, and the gray old man with the strong haggard face, and the girl in whom the girl had died and the woman had been born, walked on; now with dragging steps, when the stupor of despair seized her, now swiftly as her thoughts rushed from horror to horror.

The world, basking in the warmth of that June sun, seemed very peaceful as they looked out across the long reaches of the flat valley, and on to the distant town, with the lazy smoke of its factory chimneys floated above the spires and housetops. But the peace that was breathed out of the great calm heart of nature was not for these two! The girl's sense was only one of fierce rebellion at the injustice which was taking—had taken, perhaps, the life of the man she loved; an injustice that could never make amends—so implacable in its exactions, so impotent in its atonements!

They were nearing the limits of the grounds; back of them, among its trees, loomed the gray stone front of Idle Hour. Her father rested a hand upon Elizabeth's shoulder.

"I will try to be brave, too—as he was always—" she said pausing.

She stood there, a tragic figure, and then turned to her father with pathetic courage. She would take up what was left for her. She had her memories. They were of happiness no less than sorrow, for she had loved much and suffered much.

With a final lingering glance toward, she turned away. Then a startled cry escaped her, and her father looked up.

John North was coming toward them across the lawn.

THE END

ne sun,
oss the
distant
imneys
ut the
a heart
s sense
justice
life of
never
so im-

ounds;
stone
upon

ys—"

urned
would
mem-
rrow,

she
, and
s the